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ABSTRACT

The report of the Stanford Working Group on Federal Education Programs for Limited-English-Proficient (LEP) Students focuses primarily on federal legislation such as the Elementary and secondary Education Act, and secondarily on broader reform legislation concerning this population. It gives an overview of current legislation and reform ideas, and makes recommendations for three major pieces of federal legislation that address key aspects in the education of LEP students: (1) efforts to develop and assess national, state, and local education standards; (2) programs to supplement instruction for underachieving students in schools with relatively high-poverty enrollments; and (3) programs to increase national, state, and local capacity in addressing the unique situation of LEP and language-minority students, including the full development of student bilingual potential. Major recommendations address development of high content and performance standards for LEP students, development of opportunity-to-learn standards, appropriate assessment of student performance and opportunity-to-learn, development of a local accountability system, and assurance of an adequate supply of qualified teachers. Additional recommendations address provision and targeting of funds, appropriateness of materials and instruction, school improvement, parent involvement, and articulation of efforts. (MSE)

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Federal Education Programs for Limited-English-Proficient Students:

A BLUEPRINT FOR THE SECOND GENERATION

*Report of the Stanford Working Group**

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Diane August (Executive Director)
Amanda Broun, Public Education Fund Network
Cynthia Brown, Council of Chief State School Officers
Quan Cao, Florida State Department of Education
Donna Christian, Center for Applied Linguistics
James Crawford (Consultant)
William Demmert, Western Washington State University
Eugene García, University of California, Santa Cruz
Josué M. González, Teachers College, Columbia University
Kenji Hakuta, Stanford University (Chair)
Else Hamayan, Illinois Resource Center
Kati Haycock, American Association for Higher Education
Julia Lara, Council of Chief State School Officers
Michael Levine, Carnegie Corporation of New York (Ex Officio)
Jim Lyons, National Association for Bilingual Education
Sara Meléndez, Center for Applied Linguistics
Jennifer O'Day, Pew Forum on Education Reform
Delia Pompa, National Coalition of Advocates for Students
Peter Roos, Multicultural Education Training and Advocacy, Inc.
Richard Ruíz, University of Arizona, Tucson
Arturo Vargas, Mexican American Legal Defense and Educational Fund
Aída Walqui, Stanford University

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* Listing of organizational affiliations is for identification purposes only. Members of the working group participated as individuals. We gratefully acknowledge funding for this work from the Carnegie Corporation of New York through a grant to Stanford University. However, the Corporation does not take responsibility for any statements or views expressed in this report.

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Federal Education Programs for
Limited-English-Proficient Students:

A BLUEPRINT FOR THE SECOND GENERATION

Report of the Stanford Working Group

For more information, contact:

Diane August
(202) 544-2210

Kenji Hakuta
(415) 725-7454

Send correspondence to:

Kenji Hakuta
Chair, Stanford Working Group
CERAS Bldg.
Stanford University
Stanford, CA. 94305

fax: (415) 723-7578

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PREFACE

In the fall of 1992, with funding from the Carnegie Corporation of New York, a group of educators that included practitioners, researchers, policy specialists, and advocates began a brief but intense journey to explore ways in which the Federal Government might improve school programs for students who are not yet proficient in English. Though diverse in their backgrounds, the group held a common view that efforts to reform education have often ignored the special needs of students limited in their English proficiency. The long-range goal of the group was to position the public discourse on bilingual education and services to limited-English-proficient (LEP) students to incorporate the most recent thinking and research in educational reform. A more immediate goal, and one that disciplined the time frame for our work, was to develop specific recommendations for the reauthorization of the Elementary and Secondary Education Act.

Several characteristics of the Working Group's composition deserve comment. On the one hand, the membership of the group extended beyond the individuals and organizations traditionally associated with bilingual education and policy advocacy on behalf of LEP students. This was a reflection of our desire to incorporate broader reform efforts into our considerations of LEP education. On the other hand, the composition of the group was relatively small and thus could not be representative of the full range of individuals and groups involved in the education of LEP students. Moreover, although members came from a variety of organizations, they participated in this project as individuals, not as representatives of their respective groups.

This latter characteristic of the Working Group has disadvantages and advantages. The primary disadvantage is that our recommendations do not have an organized political constituency; thus, to ensure that the report will have significant legislative impact, its recommendations must be supported by those that possess such constituencies. Viewed from the opposite perspective, however, this weakness is also a source of strength. Because members participated as individuals, the findings and recommendations were independently derived and relatively unconstrained by institutional affiliations. This independence also enabled us to look for greater coherence among disparate pieces of the legislation. In addition, the relatively small size of the group enabled us to analyze issues in far greater depth than could be accomplished in a larger group.

To make up for the size of the Working Group, we have obtained input from a wider range of people and groups. We invited individuals to participate in special meetings on selected topics (such as research, assessment, the State role, and professional development). In addition, we held briefings with many

professional and advocacy groups as well as with U.S. Department of Education and congressional staff.

The document represents a consensus opinion of its members. Each issue where consensus was in doubt was subjected to a vote, with the majority opinion prevailing. Minority statements on specific issues appear at the end of the report.

A brief review of the chronology of our work should serve to place the report in context. The first meeting of the full group was held on September 28, 1992. Based on this meeting, a brief document entitled "Basic Concepts" was prepared and used as an internal consensus statement and as the basis for introducing our mission to interested parties. The second full meeting took place in Washington on November 20-21. At this meeting, discussions focused on key issues in Chapter 1, Title VII, assessment, the state role in reform, teacher training, and secondary schools. These discussions led to the formulation of smaller task groups (joined by experts outside of the Working Group) that met during December and January and prepared written documents and preliminary recommendations. These recommendations were deliberated and expanded in the third full meeting of the group, held on January 21-22, 1993. This meeting produced general agreement on the thrust of the document as well as on specific directions for the recommendations. Drafts of the document based on this meeting were presented at various briefings and public sessions including annual meetings of the National Association for Bilingual Education, the American Educational Research Association, the National Association of Asian Pacific American Education, and the Native American Languages Institute. The Working Group then turned to a freelance writer, Jim Crawford, who was given the unenviable job of taking the draft, incorporating changes, and making the document uniform and readable. This resulting draft (dated April 8) was a significant improvement, spoke with one voice, and contained all of the properties of good writing.

Following this feat, during the months of April and May, Dianne M. Piché, an attorney specializing in education legislation, was retained to bring legal clarity and internal consistency to the report. In addition, we continued to receive input from Working Group members as well as from briefings that we conducted for Department of Education and Congressional staff, local school district personnel, and professional and advocacy organizations. The draft was further revised and final sign-off by all members was obtained on June 2.

Stanford, California
June 14, 1993

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Joseph Abeyta (Santa Fe Indian School)
Juan Atinasi (Indiana University Northwest)
Donna Bellorado (Far West Laboratory for Educational Research and Development)
Nguyen Ngoc Bich (National Congress of Vietnamese in America)
Cynthia Brown (U.S. Office of Management and Budget)
Diana Bui (Indochina Resource Action Center)
Theresa Bustillos (Mexican American Legal Defense and Educational Fund)
Robin Butterfield (Oregon State Department of Education)
Leticia Casalduk (Stanford University)
Rosa Castro Feinberg (Dade County Public Schools)
John Chapman (U.S. Department of Education)
Jacqueline Cheong (Far West Laboratory for Educational Research and Development)
Alan Cheung (Organization of Chinese-Americans)
Rosemary Christensen (Language Instructor, Deluth, Minnesota)
Chiung-Sally Chou (National Association for Asian Pacific American Education and Alhambra School District)
Virginia Collier (George Mason University)
Ramón Cortines (U.S. Department of Education)
Ed DeAvila (Linguametrics)
Sandra del Valle (Puerto Rican Legal Defense and Education Fund)
Dennis Demmert (Sea Alaska Heritage Foundation)
David Dolson (California State Department of Education)
Richard Durán (University of California Santa Barbara)
J. David Edwards (Joint National Committee for Languages)
Elizabeth Feldman (Stanford University)
Richard Figueroa (University of California, Davis)
Matthew Finucane (Asian Pacific American Labor Alliance)
John Fitzpatrick (Hon. Xavier Becerra, U.S. House of Representatives)
Rosemarie García Fontana (Stanford University)
Gilbert García (U.S. Department of Education)
Kris Gilbert (Committee on Education and Labor, U.S. House of Representatives)
Alan Ginsburg (U.S. Department of Education)
Norman Gold (California State Department of Education)
Joël Gómez (National Clearinghouse for Bilingual Education)
Rene González (U.S. Department of Education)
Elisa Gutiérrez (Texas Education Agency)
Ed Haertel (Stanford University)
Andrew Hartman (Minority Staff, Committee on Education and Labor, U.S. House of Representatives)
Kay Hill (New Haven Public Schools)
Paul Hopstock (Development Associates)
Cheryl Leever Huffman (National Council of State Directors of Bilingual Education)
Jack Jennings (Committee on Education and Labor, U.S. House of Representatives)
Mary Jew (San Francisco Unified School District)
Marlene Kamm (National Association for Bilingual Education, on behalf of the Executive Board)
Charles Kamasaki (National Council of La Raza)
Anne Katz (Evaluation Assistance Center West)
Tom Kelley (Subcommittee on Elementary, Secondary, and Vocational Education, U.S. House of Representatives)
Judy Kwiat (Multifunctional Resource Center)
Daphne Kwok (Organization of Chinese Americans, Inc.)
Jeannette Kwok (National Association for Asian and Pacific American Education)
Dorothy Larson (Alaska Federation of Natives)
Kathryn Lindholm (San Jose State University)
Richard V. López (Congressional Hispanic Caucus, U.S. House of Representatives)
Janet Lu (Multifunctional Resource Center, ARC Associates)

Reynaldo Macías (University of California, Santa Barbara)
Carlos Martínez (U.S. Department of Education)
Paul Martínez (Evaluation Assistance Center West)
Phyllis McClure (NAACP Legal Defense Fund)
Denise McKeon (National Clearinghouse for Bilingual Education)
Barry McLaughlin (University of California, Santa Cruz)
Ann Medicine (Stanford University)
Robert Milk (University of Texas, San Antonio)
David Moguel (U.S. Department of Education)
Carrol Moran (Stanford University)
Mario Moreno (Mexican American Legal Defense and Educational Fund)
Rudy Muniz (U.S. Department of Education)
Joy Nakamura (Japanese-American Citizens League)
Karen Narasaki (Japanese-American Citizens League)
Laurie Olsen (California Tomorrow)
John Ovard (U.S. Department of Education)
Amado Padilla (Stanford University)
Liz Parker (Stanford University)
Lucinda Pease-Alvarez (University of California, Santa Cruz)
Danica Petroshius (Stanford University)
Anita Bradly Pfeiffer (The Navajo Division of Education)
Dianne Piché (Law Offices of William L. Taylor)
Valena Plisko (U.S. Department of Education)
Cynthia Prince (National Education Goals Panel)
Suzanne Ramos (Committee on Labor and Human Resources, U.S. Senate)
Charlene Rivera (Evaluation Assistance Center East)
Jeff Rodamar (Independent Consultant)
Jorge Ruiz-de-Velasco (Stanford University)
Cynthia Ryan (U.S. Department of Education)
Rosalia Salinas (San Diego County Office of Education)
Jeffrey Schwartz (Multifunctional Resource Center, COMSIS Mid-Atlantic)
Walter Secada (University of Wisconsin, Madison)
Lynn Selmser (Minority Staff, Committee on Education and Labor, U.S. House of Representatives)
Jerome Shaw (Stanford University)
Ramsay Selden (Council of Chief State School Officers)
Carmen Simich-Dudgeon (U.S. Department of Education)
Marshall Smith (U.S. Department of Education)
Rick St. Germaine (National Congress of American Indians)
Carmen Cornelius Taylor (National Indian School Board Association)
William Taylor (Law Offices of William L. Taylor)
John Tippeconnic (Bureau of Indian Affairs)
Stuart A. Tonemah (American Indian Research and Development Inc.)
Tran Hai T. (Multifunctional Resource Center, University of Oklahoma)
Tran Huong Mai (Multifunctional Resource Center, COMSIS Mid-Atlantic)
G. Richard Tucker (Carnegie-Mellon University)
Brenda Turnbull (Policy Studies Associates)
Guadalupe Valdés (Stanford University)
Lorraine Valdez-Pierce (George Mason University)
John Wade (U.S. Department of Education)
Elizabeth Weiser-Ramirez (ASPIRA)
Susan Wilhelm (Subcommittee on Elementary, Secondary, and Vocational Education, U.S. House of Representatives)
Bill Wilson (University of Hawaii at Hilo)
Bayla White (U.S. Office of Management and Budget)
Malcolm Young (Development Associates)

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EXECUTIVE SUMMARY

The *Stanford Working Group on Federal Education Programs for Limited-English Proficient (LEP) Students* has come together at a time of great activity and promise in American education. As proposals for restructuring and reform receive serious consideration, we must investigate all available avenues for ensuring that LEP students fully benefit from these promising new directions. The Working Group's focus has been on Federal legislation, primarily the upcoming reauthorization of the Elementary and Secondary Education Act (ESEA) and secondarily on broader reform legislation. Throughout our deliberations, our analyses and recommendations have been guided by two overarching principles:

1. Language-minority students must be provided with an equal opportunity to learn the same challenging content and high-level skills that school reform movements advocate for all students.

2. Proficiency in two or more languages should be promoted for all American students. Bilingualism enhances cognitive and social growth, competitiveness in a global marketplace, national security, and understanding of diverse peoples and cultures.

The Working Group recognizes that these principles represent a marked departure from common practice. For too long, LEP children have been kept on the margins of American education and education reform. Even reforms that purport to address all children generally leave the education of LEP students untouched. Indeed, current efforts to raise educational standards for all may worsen matters for LEP students if those students' unique needs and potential contributions are not addressed. Equally important, within bilingual education, excessive energy continues to be absorbed by the old debate on language of instruction, at the expense of upgrading the content of instruction. The goal of the Working Group has been to address both sets of problems—that is, to ensure that LEP students' unique needs and bilingual potential are addressed within the context of raising education achievement for all.

What follows in this report is a set of comprehensive recommendations for three major pieces of Federal legislation that address key aspects in the education of LEP students: (1) efforts to develop national, State, and local education standards and to assess these standards; (2) programs to supplement instruction for underachieving students in schools with relatively high-poverty enrollments; and (3) programs to increase national, state and local capacity in addressing the unique situation of LEP and language-minority students, including the development of the full bilingual potential of these students. The latter two

efforts have been supported since the 1960s through *Chapter 1* and *Title VII* of *ESEA*. The issue of standards and assessment within the Federal legislative arena is quite recent, however, and has been most prominently addressed in *Goals 2000* and in current reform discussions about raising standards in Chapter 1 programs. Reauthorization of ESEA and consideration of Goals 2000 during this Congress, in combination with the start of a new Administration, represent an unusual window of opportunity for aligning legislation on behalf of LEP students.

A survey of the current condition of education for LEP students reveals areas of dire need, as well as unfulfilled potential. Briefly stated, the educational opportunities and outcomes for a large proportion of the approximately 3.3 million LEP students in the United States are not good. Large numbers of LEP students are languishing in school programs with low academic expectations and lack of attention to higher order thinking skills. Many language-minority students are behind their peers in content areas at a time when performance standards are being raised throughout the Nation. A fixation on teaching English as quickly as possible detracts from instruction in other subject areas. And most bilingual programs do not offer students the opportunity to fully develop their capacity in two languages at a time when the Nation critically needs a multilingual work force.

A review of the legislative and programmatic records of Chapter 1 and Title VII, while clearly noting the contributions of these efforts, indicated areas of concern. At a general level, a mindset persists that views LEP students' languages and cultures as obstacles to achievement—as academic deficits—rather than as potential strengths to build upon. In this regard, two damaging assumptions remain implicit in Federal and State policies: (1) that language-minority students who are economically and educationally "disadvantaged" are incapable of learning to high standards, and (2) that instruction in the native language distracts these students from learning English. This mindset permeates legislation, policy, planning, and practice despite strong evidence from educational research and practice that its assumptions are faulty. At a more specific level, many LEP students face barriers in access to, or appropriate instruction in, Chapter 1 programs. For Title VII programs, the key issues are how best to invest the scarce funds to guide and leverage systemwide reform and how to maintain a focus on bilingualism as a national and local resource.

In addressing these programmatic issues, the Working Group adopted the view that a necessary part of the change is to address the current fragmentation of educational services. For example, States now play a limited role in Title VII projects, which in turn are rarely coordinated with Chapter 1, migrant education, or other Federal, State, or local efforts. Thus resources are dispersed, students' needs are only partially addressed, and no one is held fully accountable. Whether

programs succeed or fail, lessons are rarely drawn that could benefit other educators. Further, the education of LEP students is not conceived as part of any larger mission. Programs to address their unique needs tend to remain "ghettoized" within State Education Agencies (SEAs), Local Education Agencies (LEAs), and schools.

Reform of Chapter 1 and Title VII must be considered within a broader vision that enables the planning, implementation, and evaluation of reforms so that the present efforts can become part of a continuous fabric of school and system improvement activities. The first group of recommendations addresses how the Federal Government should actively encourage SEAs to play new leadership roles in school reform. State efforts on behalf of LEP children must be part of a *comprehensive plan for systemwide reform*. The specific major recommendations (contained in "Setting the Framework for Reform") are to:

- develop high content and performance standards for LEP students that are the same as those established for all other students, with full inclusion in the development process of persons knowledgeable about the education of LEP students;

- develop opportunity-to-learn standards adapted to the unique situation of LEP students;

- develop assessments of student performance and opportunity to learn that are appropriate for LEP students;

- develop a system of school and LEA accountability for LEP students that combines assessment of student outcomes and opportunities to learn; and

- make special efforts to ensure an adequate supply of teachers well prepared to educate LEP students.

With respect Chapter 1, the Working Group supports the overall thrust of two major independent reviews of Chapter 1 programs (the Independent Commission on Chapter 1 and the Independent Review Panel of the National Assessment of the Chapter 1 Program). These reviews identified major problems for reform, including an overemphasis on remediation in basic skills rather than higher order skills, fragmentation of services and isolation of Chapter 1 programs from the general school program, and failure to target funds sufficiently to significantly impact education in high-poverty schools and districts. Reform in each of these areas would greatly benefit all Chapter 1 students, including those who are limited in their English proficiency.

In addition, the Working Group offers the following major recommendations (contained in "Transforming Chapter 1"):

- require a State education plan that would include provisions to ensure that LEP students have access to the same challenging curriculum and instruction as all other children;
- increase access to Chapter 1 programs by targeting funds to high-poverty schools or districts and by requiring that all eligible LEP students be equitably selected for Chapter 1 services;
- reduce the school poverty threshold for schoolwide projects;
- ensure that instruction and materials are adapted to the unique needs of LEP students;
- set aside significant resources for staff development efforts to support the reforms and meet the needs of LEP students;
- promote and focus school improvement efforts through school and LEA plans that are developed through a broad participatory process that includes those with knowledge and experience in the education of LEP students;
- develop linguistically accessible activities to inform and involve parents of LEP students in the education of their children;
- develop assessment, school improvement, and accountability provisions that are consistent with the overall State standards, and that contain a graduated series of State and local responses to failing schools, ranging from technical assistance to direct intervention and even school closure.

The third group of recommendations concern Title VII. The Working Group believes that Title VII can be made more effective in its second generation by working in tandem with new Federal efforts to guide and support States to ensure that LEP students meet high performance standards. Specifically, the following major recommendations (contained in "Retooling Title VII") are proposed:

- redefine the role of the U.S. Department of Education's Office of Bilingual Education and Minority Language Affairs as: ensuring full inclusion of language-minority students in national reform efforts; developing technical expertise on the appropriate assessment of content

mastery in LEP students; directing a national research agenda on bilingual development; and coordinating all Federal language education programs.

- enhance and improve the State's role in planning, coordination, program improvement, evaluation, dissemination of effective practice, and data collection;

- reformulate the types of grants awarded to schools and school districts so as to encourage innovation and limit fragmentation of services;

- give priority to program applications that promote full bilingual development, demonstrate consistency with State Plans, and provide innovative programs for underserved students;

- develop a comprehensive system of project self-study, evaluation, and research for purposes of program improvement and dissemination;

- bolster efforts to address the continuing shortage and often poor preparation of educational personnel who serve LEP students;

- create a new part of the legislation to support language conservation and restoration efforts in schools and school districts serving Native American students; and

- enhance Title VII's "lighthouse" role in language policy, particularly in promoting the conservation and development of language resources.

OVERVIEW

At a time of great activity and promise in American education, when proposals for restructuring and reform are under serious consideration, the *Stanford Working Group on Federal Education Programs for Limited-English-Proficient (LEP) Students* has come together to seek ways in which these students can fully benefit from these promising new directions. It is also appropriate, after more than a generation of Federal efforts on behalf of limited-English proficient (LEP)[1] students, to ask how well we are serving these students and how existing programs might be improved. The Working Group's prime focus has been on Federal legislation, specifically the upcoming reauthorization of the Elementary and Secondary Education Act (ESEA) and broader reform legislation. Our analysis and recommendations are guided by two overarching principles:

1. Language-minority students must be provided with an equal opportunity to learn the same challenging content and high-level skills that school reform movements advocate for all students.

2. Proficiency in two or more languages should be promoted for all American students. Bilingualism enhances cognitive and social growth, competitiveness in a global marketplace, national security, and understanding of diverse peoples and cultures.

Background

The approach to schooling for limited-English-proficient students has changed fundamentally in the past 25 years. Few educators still conceive their mission as melting down ethnic differences and recasting students in an "Americanized" mold. Few psychologists would now argue that "the child reared in a bilingual environment is handicapped in his language growth."[2] And although many LEP students still do not receive adequate

[1] The Working Group has considered the possibly pejorative connotation of the LEP acronym. Although some interesting alternatives were suggested, we felt that the term had been significantly institutionalized in important areas such as those that bear on the counts of such students, and that changing terminology at the present time would result in confusion and possible damage to the progress that has been made.

[2] G. G. Thompson, *Child Psychology* (Boston: Houghton Mifflin, 1952).

services, no longer is it the rule that they sink or swim in a sea of English, routinely denied special help and punished for speaking their mother tongue.

A generation ago, such attitudes and practices were commonplace. Then two Federal interventions followed on the heels of the Civil Rights movement, opening new opportunities for LEP students: Title VII of the ESEA (1968)[3] funded innovative programs of bilingual instruction, and the U.S. Supreme Court's decision in *Lau v. Nichols* (1974)[4] outlawed the educational neglect of LEP students. As a result of these actions, LEP students were no longer invisible. Some local schools, through Title VII, gained the wherewithal to develop new pedagogies; and for a short time the Office for Civil Rights (OCR) enforced compliance with the *Lau* ruling.

Following the Federal lead, 30 States enacted laws authorizing bilingual education or requiring it under certain circumstances;[5] and numerous school districts, including those formerly in violation of *Lau*, have pioneered innovative ways to serve LEP children. Some of the most successful approaches have seized on what Senator Ralph Yarborough, in introducing Title VII, termed a "magnificent opportunity" to cultivate fluent bilingualism. However, such programs remain in a distinct minority.

Deficit Thinking

Changes in law and advances in practice have yet to eradicate all of the old ways of thinking about LEP students. Despite these advances, a mindset persists that views such students' languages and cultures as obstacles to achievement—as academic deficits—rather than as potential strengths to build upon.

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[3] P.L. 90-247.

[4] 414 U.S. 563. Writing for a unanimous Court, Justice Douglas upheld 1970 guidelines by the U.S. Department of Health, Education, and Welfare that required any school district enrolling students who were limited in English to "take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."

[5] Tracy C. Gray, H. Suzanne Convery, and Katherine M. Fox, *The Current Status of Bilingual Education Legislation*, Bilingual Education Series, no. 9 (Washington, D.C.: Center for Applied Linguistics, 1981). At present, 20 States have permissive statutes, and 9 have mandatory statutes. California's bilingual education law expired in 1987 and has not been reauthorized.

In this regard, two damaging assumptions remain implicit in Federal and State policies: (1) that language-minority students who are economically and educationally "disadvantaged" are incapable of learning to high standards, and (2) that instruction in the native language distracts these students from learning English. As a result, large numbers of LEP students are languishing in school programs with low academic expectations and lack of attention to higher order thinking skills. Many language-minority students are behind their peers in content areas at a time when performance standards are being raised throughout the Nation.[6] Moreover, a fixation on teaching English as quickly as possible detracts from instruction in other subjects.[7] English-only instruction also denies potentially bilingual students an opportunity to fully develop their capacity in two languages.

Such policies disregard all that we know about how children learn. The knowledge base in child development and language acquisition has expanded exponentially since 1968. Recent research soundly refutes "deficit model" assumptions, demonstrating that all children engage in complex thinking tasks.[8] Most researchers now hold that the potential to achieve high levels of cognitive functioning is a property of the human species and therefore is accessible to all children, provided they receive high-

[6] Data from National Educational Longitudinal Study (NELS, 1988) indicate that large proportions of Hispanic language-minority students did not reach basic levels of performance on the math and reading achievement tests (approximately 37 percent and 31 percent for math and reading, respectively). U.S. Department of Education, *Language Characteristics and Academic Achievement: A Look at Asian and Hispanic Eighth Graders in NELS: 88* (February 1992). Preliminary findings from a national descriptive study of services for limited-English proficient students indicate that approximately 200,000 LEP students are assigned to grade levels at least 2 years lower than age/grade norms. H.L. Fleischman, P.J. Hopstock, A.M. Zehler. Preliminary Findings from the National Descriptive Study of Services for Limited English Proficient Students, paper presented at the American Education Research Association meeting, Atlanta, April, 1993 (Development Associates).

[7] D. J. Ramirez, S. D. Yuen, D. R. Ramey, and D. J. Pasta. *Final Report: National Longitudinal Study of Structured-English Immersion Strategy, Early-Exit and Late-Exit Transitional Bilingual Education Programs for Language-Minority Children, Vol. I-II, Technical report* (San Mateo, Calif: Aguirre International, 1991).

[8] See R. Edmonds, "Making Public Schools Effective," *Social Policy, 12*, 56-60 (1981); "Higher Order Learning for All: Restructuring Learning" (Washington, D.C.: Council of Chief State Schools Officers, 1990); B. P. Means and M. Knapp, *Teaching Advanced Skills to Educationally Disadvantaged Students* (Washington, D.C.: Policy Studies Associates, 1991).

quality instruction and a challenging curriculum.[9] "Dumbing down" the curriculum for disadvantaged students thus represents an unsupportable denial of educational opportunity. By contrast, exemplary evidence, such as Jaime Escalante's work creating a "culture of calculus" among low-income students in East Los Angeles, points to what can happen when students are provided with the opportunity and expectations to achieve high levels of learning.

In addition, psycholinguists and sociolinguists argue that maintaining and developing the native language in no way interferes with English acquisition. The popular belief that such interference occurs is based on two common presuppositions about second-language acquisition: (1) that the two languages need to compete for limited mental resources for language learning;[10] and (2) that success in learning a second language is directly related to the amount of time spent exposed to that language in school ("time-on-task" theory).[11] Neither of these assumptions is

[9] See, for example, R. Tharp and R. Gallimore, *Rousing Minds to Life* (New York: Cambridge University Press, 1988); B. Rogoff, *Apprenticeship in Thinking: Cognitive Development in Social Context* (New York: Oxford University Press, 1990); M. Cole, *Comparative Studies of How People Think* (Cambridge, Mass.: Harvard University Press, 1981).

[10] There are three principal lines of evidence to refute this supposition: First, there are numerous case studies of children fully acquiring more than one language, often in cultures where bilingualism or multilingualism is the societal norm [see, e.g., B. McLaughlin, *Second-Language Acquisition in Childhood* (Hillsdale, N.J.: Erlbaum Associates, 1984)]. Second, studies indicate that one of the best predictors of second-language proficiency is proficiency in the mother tongue [See, e.g., B. Harley, *The Development of Second Language Proficiency* (New York: Cambridge University Press)] J. Cummins, "Interdependence of First- and Second-Language Proficiency in Bilingual Children," in E. Bialystok (ed.), *Language Processing in Bilingual Children* (New York: Oxford University Press, 1992); C. Snow, "Perspectives on Second-Language Development: Implications for Bilingual Education," *Educational Researcher, 21, 16-19* (1992); K. Hakuta , "Degree of Bilingualism and Cognitive Ability in Mainland Puerto Rican Children," *Child Development, 58,* 1372-1388 (1987)]. And third, studies suggest that fully developed bilingualism contributes to greater awareness and appreciation of both languages [see, e.g., E. Bialystok, "Levels of Bilingualism and Levels of Linguistic Awareness," *Developmental Psychology, 24,* 560-567 (1988); S. Galambos and K. Hakuta, "Subject-Specific and Task-Specific Characteristics of Metalinguistic Awareness in Bilingual Children," *Applied Psycholinguistics, 9,* 141-162 (1988)].

[11] In fact, a large study by the U.S. Department of Education found no significant differences in English acquisition among programs that exposed students to varying proportions of English and their native language over a 3-year period. Where differences in English acquisition did exist, the effect was in favor of students who were receiving some native language instruction over those receiving English-only instruction. This study refutes the "time on task" theory and suggests that substituting English-only approaches for bilingual education would not expedite, and might hinder, the process of acquiring English. C. Cazden, in reviewing the Ramirez *et al.* study, concludes that "the most obvious implication is that the amount of time spent using a second language in school can no longer be considered the most important influence on learning it." (C. Cazden, *Language Minority Education in the United States: Implications of the Ramirez Report.* (Santa Cruz, Calif.: The National Center for Research on Cultural Diversity and Second Language Learning, 1992).

supported by empirical evidence. Moreover, recent studies of language minorities in the United States indicate rapid movement toward English as their primary language and a transition to English monolingualism within two generations.[12]

The research also indicates that there is no shortcut to second-language acquisition. Young children may quickly "pick up" conversational English. But regardless of the educational treatment, it takes most students from 5 to 7 years before they fully develop academic proficiency in a second tongue.[13] This is true even for middle-class LEP students enrolled in an all-English program.[14] Meanwhile, students instructed in their native language can be exposed to challenging curriculum from the beginning and thus keep up with their coursework while acquiring English.[15]

Social Repercussions of the Deficit Model

The deficit model not only harms language-minority students; it is detrimental to society as a whole. With the globalization of our economy, basic literacy and numeracy are no

[12] Notwithstanding the Nation's increasing diversity, linguistic assimilation is accelerating. Language-minority groups are shifting to English as their dominant language more rapidly today than ever before. For example, after 15 years in this country, three out of four Hispanic immigrants are speaking English on a daily basis, and 7 out of 10 of their children become dominant or monolingual in English. In other words, Spanish is being significantly eroded by the second generation——even among children who have passed through transitional bilingual classrooms. See C. Veltman, *The Future of the Spanish Language in the United States* (Washington, D.C.: Hispanic Policy Development Project, 1988, pp. iii-iv) for an analysis of demographic data. See also Kenji Hakuta and Daniel D'Andrea, "Some Properties of Bilingual Maintenance and Loss in Mexican Background High-School Students," *Applied Linguistics, 13,* 72-99 (1992), for a linguistic and psychological perspective.

[13] See J. Cummins, *Bilingualism and Special Education* (Clevedon, Avon: Multilingual Matters, 1984); see also Ramirez et al. (1991).

[14] See, e.g., research on the progress of ESL students in Fairfax County, Va., in Virginia P. Collier, "Age and Rate of Acquisition of Second Language for Academic Purposes," *TESOL Quarterly, 21*(4), 617-641 (Dec. 1987).

[15] See studies that examine effective bilingual programs, e.g., W. Tikunoff, *Applying Significant Bilingual Instructional Features in the Classroom (*Rosslyn, Va.: National Clearinghouse for Bilingual Education, 1985; T. Carter and M. Chatfield "Effective Bilingual Schools: Implications for Policy and Practice," *American Journal of Education, 95,* 200-234 (1986); E. Garcia, "Attributes of Effective Schools for Language Minority Students," *Education and Urban Society, 20,* 387-398 (1988); L. Pease Alvarez, *Education and Cultural and Linguistic Pluralism: Innovative Schools. Case Studies: United States (California) (*Paris: Centre for Educational Research and Innovation, Organization for Economic Co-operation and Development, 1989).

longer sufficient. The 21st-century workplace will also demand sophisticated capacities for problem solving, independent initiative, communication, cooperation, and adaptation to rapid change. In short, as Secretary of Labor Robert Reich has argued, "working smart" will be the key to competitiveness.

Because language-minority students make up a growing portion of our future work force, it is imperative that they be provided an equal opportunity for developing these sophisticated capacities. According to projections by the Urban Institute, the number of Hispanics and Asian Americans will more than triple by the year 2040, and their proportion will more than double, to 27.8 percent of the U.S. population (as compared with 11.9 percent in 1990).[16] The U.S. Census Bureau reports that the number of U.S. residents who "do not speak English very well" is growing at an even faster rate (37.3 percent during the 1980s).[17] Thus, the stakes are rising in the educational decisions we make today. In an increasingly real sense, if our schools fail language-minority students, they will be failing *all* of us—with far-reaching consequences.

Equally important to our future, language-minority Americans constitute a unique but largely untapped national resource. Globalization means that economic activity is taking place in a more multilingual and multicultural environment. Greg Farmer, Florida's Commerce Secretary, recently noted:

> We now have a situation in this state where we have 13 ports, seven international airports, 11 free-trade zones, and more international banks than any state other than New York. But more important is that we've got the human infrastructure, in the form of a bilingual and bicultural workforce.[18]

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[16] Barry Edmonston and Jeffrey S. Passel, *The Future Immigrant Population of the United States* (Washington, D.C.: Urban Institute, 1992), cited in *Numbers and Needs*, 2(6),1, 3 (Nov. 1992).

[17] *Numbers and Needs*, 2, 4 (Jul. 1992, p. 1).

[18] Larry Rohter, "Florida Is Acting Like a Sunbelt Economy Again," *New York Times*, National ed. (Feb. 28, 1993), p. 15.

The United States, however, remains an underdeveloped country when it comes to multiple language skills and knowledge of other countries. The American Council on the Teaching of Foreign Languages estimates that "only 3 percent of American high school graduates, and only 5 percent of our college graduates, reach a meaningful proficiency in a second language—and many of these students come from bilingual homes."[19] By contrast, virtually all of our trading partners require all of their graduates to attain proficiency in two, three, or more languages.[20]

Meanwhile, the end of the Cold War has transformed the geopolitical scene, giving rise to a new set of challenges for the United States. Yet as "tongue-tied Americans"—in the words of Senator Paul Simon—we are unable to respond effectively. Recent foreign-policy initiatives have been hindered by shortages of U.S. military and diplomatic personnel who are proficient in Arabic, Somali, and Serbo-Croatian.[21] The Central Intelligence Agency now has difficulty meeting its needs for critical language skills, even in commonly taught languages such as Spanish.[22] In 1991, Congress established the National Security Education Trust Fund to promote foreign languages and international studies at the college level.[23] But without bolder steps to upgrade the Nation's competence in numerous tongues, our ability to monitor and influence world events is likely to suffer.

[19] *ACTFL Public Awareness Network Newsletter: A Bimonthly Report on Foreign Language and International Studies* 6(3) (May 1987). This remains true despite a recent spurt in enrollments. In 1990, 38 percent of U.S. high school students were taking a foreign language, although the course of study was typically only 2 years; Jamie B. Draper, "Foreign Language Enrollments in Public Secondary Schools, Fall 1989 and Fall 1990," American Council of Teachers of Foreign Languages (Oct. 1991).

[20] Paul Simon, *The Tongue-Tied American: Confronting the Foreign Language Crisis* (New York: Continuum Publishing Co., 1980).

[21] "Of the more than 500,000 American troops deployed to the Persian Gulf [during Operation Desert Storm], the Department of Defense was able to identify just 45 U.S. military personnel with any Iraqi language backgrounds, and only 5 of these were trained in intelligence operations"; Congressional finding of the Foreign Language Economic Enhancement Act, H.R. 5442, 102nd Congress.

[22] "Tomorrow's Spy Is MBA Fluent in Farsi," *Delaware State News* (Dec. 12, 1992).

[23] P.L. 102-183.

The deficit orientation of our language policies also has consequences at home. For language-minority communities, language is the key to preserving a cultural legacy for their children and, in some cases, to preserving their families and communities.[24] Increasingly, American identity comprises many cultures. The monolingualism of our society impairs our ability to appreciate other ways of thinking, acting, and being. The Working Group believes that democracy is strengthened, not threatened, when citizens learn to communicate—and to express mutual respect—in more than one language.

Current Legislation: Problems and Concerns

Historically, Federal efforts on behalf of language-minority students have spanned across numerous programs, including migrant education,[25] immigrant education,[26] Indian education,[27] vocational education,[28] special education,[29] and Head Start.[30] The Working Group in this report has focused its efforts on two that have had major impact on the schooling of LEP children: Chapter 1[31] (formerly Title I) and Title VII of the ESEA. The former provides formula grants to local educational agencies (LEAs) to provide supplemental instruction to underachieving students in schools with relatively high poverty enrollments. The latter awards competitive grants to selected LEAs to finance comprehensive programs of bilingual education. It also sponsors research and funds professional training and technical assistance. In addition to these two major legislative pieces, the recommendations in this report touch on the content of a new

[24] *Indian Nations at Risk: An Educational Strategy for Action* (Washington, D.C.: U.S. Department of Education, 1991), p. 7.

[25] *Chapter 1 Programs for Migratory Children*, 20 U.S.C. 2781-83.

[26] *Emergency Immigrant Education Act of 1984*, 20 U.S.C. 3121-30.

[27] *Indian Education Act*, 25 U.S.C. 2601-2651.

[28] *Carl D. Perkins Vocational and Applied Technology Education Act*, U.S.C. 2301, *et seq.*

[29] *Individuals with Disabilities Education Act*, 20 U.S.C. 1400, *et seq.*

[30] *Head Start Act*, 42 U.S.C. 9831, *et seq.*

[31] P.L. 100-297.

reform bill recently introduced by the U.S. Department of Education. *Goals 2000: Educate America Act*, if passed, will authorize the National Education Goals Panel, establish a Federal role in developing national education standards and assessments, and create a grants program to support State and local reforms. Although the group did not formally discuss the bill, the issues addressed by the legislation—especially those concerning standards and assessment—have permeated recent discourse over reform to such a degree that the group's thinking on these issues effectively resulted in recommendations on key aspects of the legislation.

Extent of Services

Somewhere between 2.3 and 3.5 million school-aged children and youth in the United States are LEP students.[32] Regardless of which figure in this range one accepts, it is clear that federally funded programs touch only a small proportion of LEP students. According to a U.S. Department of Education study[33] of Chapter 1, an estimated 810,000 LEP students participated in Chapter 1 programs, accounting for 15 percent of the total of 5.5 million Chapter 1 participants. This number represents from 23 to 35 percent of the Nation's estimated LEP student population (depending on which base estimate of these students is used). According to this same study, Title VII served

[32] According to the U.S. Department of Education, in 1990-1991 there were approximately 2.3 million elementary and secondary students who could be identified as limited-English-proficient. (*The Condition of Bilingual Education in the Nation: A Report to the Congress and the President*, June 30, 1992, pp. 29-30). According to CCSSO, other estimates have ranged from 3.5 million to 5.3 million. This variation is due in part to the lack of a uniform definition of limited English proficiency, leaving schools and states to rely on a variety of identification procedures. Because of its uniform assessment criteria and strict reporting requirements, California's annual *Language Census* probably yields the most accurate LEP count of any State. California identified 986,462 LEP students that year out of 1,879,000 State residents aged 5 through 17 who spoke languages other than English in the home. The LEP proportion of 52.5 percent——when applied to the national total of 6.3 million speakers in that age group who speak a home language other than English ——yields an estimate of 3,307,500 LEP children nationwide. Extrapolating from its 1990-1991 figure (using home-language data for school-age children) would yield a national LEP student total of 3.3 million. Given the data currently available, the Working Group regards this as a best estimate. The 1990 Census counted more than 6.3 million children between the ages of 5 and 17 who spoke home languages other than English.

[33] Reported in *Reinventing Chapter 1: The Current Chapter 1 Program and New Directions. Final Report to the National Assessment of the Chapter 1 Program* (Washington, D.C.: U.S. Department of Education, Office of Policy and Planning, Planning and Evaluation Service, Feb. 1993), p. 53.

a reported 310,000 students in FY 1991,[34] a number that corresponds to anywhere between 9 to 13 percent of LEP students.

One explanation for the low percentage of LEP students served is that these Federal programs were never intended to relieve school districts and States of their primary responsibility for educating language-minority students (see, e.g., *Lau v. Nichols*). Federal aid is intended to "supplement, not supplant" State and local funding. Notwithstanding its limited fiscal role, the Federal Government has an important role in both promoting educational equity and in safeguarding the rights of language-minority students.

Title VII is key in promoting the educational opportunity of language-minority students. Despite its importance, Title VII appropriation for FY 1993 is $195 million—33 percent less than the FY 1981 level (after adjustment for inflation). And this decrease in funding occurred during a period when the number of LEP students increased significantly. For example, according to one estimate, there has been an increase of almost 1 million LEP students in grades K-12 in U.S. public school districts in the last 10 years.[35] Moreover, although Chapter 1 funding has increased significantly, to $6.8 billion this year, a confusing provision in current law[36] has led some States and school districts to exclude LEP students from Chapter 1 programs, regardless of their educational needs.[37]

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[34] This number is substantially higher than the 245,074 reported by the U.S. Department of Education's Office of Bilingual Education and Minority Language Affairs (OBEMLA) for the same year.

[35] Preliminary findings from the *National Descriptive Study of Services for Limited-English-Proficient Students* (Arlington, Virginia: Development Associates, 1993) indicate that there were 2.314 million LEP students in the 1991-92 school year in grades K-12 in U.S. public school districts. This was an increase of almost 1 million students since their 1984 descriptive study that used comparable procedures. Development Associates and Research Triangle Institute, *LEP Students: Characteristics and School Services: Report Submitted to the Office of Planning, Budget and Evaluation*, December, 1984).

[36] This section limits eligibility to students whose "educational deprivation [is] not related solely to . . . limited English proficiency"; P.L. 100-297, Sec. 1014(d)(1).

[37] A 1991 case study of 14 LEAs found that often "districts consider students with low scores on English-language proficiency tests to be ineligible for Chapter 1 reading and math services." E. William Strang and Elaine Carlson, *Providing Chapter 1 Services to Limited English Proficient Students: Final Report* (Rockville, Md.: Westat, Inc., 1991), p. iii.

Over the same period, enforcement by the OCR to ensure that districts are meeting their obligations under *Lau* has been drastically curtailed.[38] Thus, although State education agencies (SEAs) and LEAs are shouldering a portion of the financial burden, large numbers of language-minority students appear to be falling through the cracks. Responding to a survey by the Council of Chief State School Officers (CCSSO), 32 States reported that in 1985-1986 an average of 29 percent of their LEP children were receiving neither bilingual nor English-as-a-second-language (ESL) instruction. Four States reported that more than 60 percent—and 100 percent in one State—were unserved.[39] In effect, these SEAs acknowledged civil rights violations on a massive scale.

Quality of Services

Even more troubling than the *extent of services* is the *quality of services* now provided to a majority of LEP students. As an independent commission on Chapter 1[40] and the Department's own national assessment of Chapter 1[41] have found, the services funded by Chapter 1 are characterized by low standards and a philosophy of remediation that are in need of serious overhaul, regardless of whether the students served are English monolingual, LEP, or bilingual. Moreover, for LEP students, Chapter 1 programs do little to address their unique needs. The CCSSO survey noted that several SEAs encourage identical treatment for LEP and non-LEP students, leaving English-language development and bilingual instruction to Title VII programs.[42] Failure to make the curriculum fully accessible to LEP students exacerbates the overall tendency of Chapter 1 to

[38] From 1981 through 1985, school districts were nine times less likely to undergo a *Lau* compliance review than in the period from 1976 through 1980. In addition, OCR made comparable reductions in its complaint investigations and its monitoring of *Lau* plans; James Crawford, "U.S. Enforcement of Bilingual Plans Declines Sharply," *Education Week* (June 4, 1986), pp. 1, 14-15.

[39] Council of Chief State School Officers, *School Success for Limited English-Proficient Students: The Challenge and State Response* (Washington, D.C.: pp. 20-26, 1990). See also Boston Master Parents' Advisory Council, *et al* vs. Boston Public Schools, *et al.* U.S. District Court, Mass. C.A. No. 91-117-25-Z.

[40] Independent Commission on Chapter 1, *Making Schools Work for Children in Poverty: A New Framework Prepared by the Commission on Chapter 1* (Washington, D.C.: December 10, 1992).

[41] *Reinventing Chapter 1.*

[42] *School Success,* p. 26.

stress remediation at a very basic level, with no attempt to provide access to complex skills or challenging content.

Title VII touches fewer LEP students than Chapter 1, but has been instrumental in fostering approaches that are far more appropriate. Part A programs are designed to overcome language barriers so that students are not held back in other subjects until they acquire English. Teachers are normally bilingual, certified in content areas, and versed in theories of second-language development. Efforts are made to use materials that are sensitive, both culturally and linguistically. Parts B and C have helped to shape a professional field that barely existed in 1968 by funding research, technical assistance, and staff development.

Nevertheless, in exercising programmatic leadership, Title VII has yet to fulfill its original mission. Political pressures to stress English acquisition as the exclusive goal of Part A programs have constrained pedagogical choices and experimentation. There has been a special reluctance to fund Developmental Bilingual Education (DBE),[43] the approach that applied linguists hold to be the most academically promising for students.[44]

The Federal research agenda has concentrated instead on crude but costly comparisons of program models (especially long-term studies of transitional bilingual education vs. immersion), which have yielded few useful results for practitioners or policymakers. This approach has been criticized by a National Academy of Sciences panel as excessively narrow and theoretically

[43] Although Congress authorized DBE program grants in 1984 and 1988, only $250,000 was spent annually until FY 1990, when the amount was increased to $2.8 million. DBE grants rose to $6 million in FY 1992, or 4 percent of the Title VII, Part A, appropriation.

[44] Several studies of two-way bilingual education programs support this claim. M. A. Snow reports that achievement of LEP children in such elementary programs equals or surpasses that of established norms in oral language development, reading, and mathematics; *Innovative Second Language Education: Bilingual Immersion Programs* (Los Angeles: UCLA, Center for Language Education and Research, 1986). Evaluation of the San Diego two-way bilingual program shows that native Spanish-speaking children in this program were near or above average in their standardized achievement scores when compared to national norms; K. Lindholm and H. Fairchild, *Evaluation of an Exemplary Bilingual Immersion Program* (Los Angeles: UCLA, Center for Language Education and Research, 1988). Positive evaluations of a two-way immersion program in San Jose after 5 years of implementation have also been reported by Lindholm ("The River Glen Elementary School Bilingual Immersion Program: Student Progress After Five Years of Implementation." School of Education, San Jose State University, January, 1992).

barren.[45] As such, Title VII is missing a critical opportunity to conduct research that might help align the theory, policy, and practice of bilingual education.

One might reflect on the extent to which we have strayed from Senator Yarborough's vision of Title VII: a program that fosters innovative projects from which others may learn. School districts often fail to build sufficient capacity to continue programs after Federal grants end. Because of its weak and narrow (and, we would argue, misplaced) emphasis on evaluation, Title VII has built a limited knowledge base to inform classroom practice. Despite Title VII's support for teacher training and professional development, the shortage of certified bilingual and ESL personnel remains acute in most States.

The Working Group has crafted a number of specific proposals for Chapter 1 and Title VII that we hope will enhance the coverage and quality of instruction for LEP students. If adopted in isolation, however, such ideas would be unlikely to produce much meaningful improvement. Indeed, isolation from the broader currents of school reform has been a recurrent problem for language-minority programs. Serious proposals for change must be considered as part of the broad efforts at reforming and restructuring American education.

Vision for Reform

In the beginning, programs to serve LEP students relied heavily on the Federal Government for support and legitimacy. Funding through Title VII and monitoring by (OCR) were essential to establish a new pedagogy for students who had long faced neglect at all levels.

Nevertheless, Federal leadership has not been a panacea. School failure persists among a disproportionate number of language-minority students.[46] For Hispanics and Native

[45] S. Fienberg and M. Meyer, *Assessing Evaluation Studies: The Case of Bilingual Education Strategies* (Washington, D.C.: National Research Council, 1992).

[46] There is extremely limited information at the national level on the outcomes for LEP students because major national studies, such as NAEP and NELS, exclude LEP students due to the unavailability of instruments in languages other than English. However, data from NELS on eighth grade Hispanic students show significant underachievement (approximately

Americans, dropout rates remain far higher than for other groups.[47] Those who stay in school often graduate without the rigorous preparation they need to compete in the job market. Large numbers of LEP children continue to receive instruction that is substandard to what English speakers receive.[48] This amounts to a two-tier system of education, with challenging curriculum for some and mediocrity for the rest.

Fundamental changes are clearly in order, yet the mechanisms have been elusive. The Working Group believes that a necessary part of the change is to address the current fragmentation of educational services. States now play a limited role in Title VII projects, which in turn are rarely coordinated with Chapter 1, migrant education, or other Federal, State, or local efforts.[49] Often this means that resources are dispersed, students' needs are only partially addressed, and no one is held fully accountable. Whether programs succeed or fail, lessons are rarely drawn that could benefit other educators. Another consequence of fragmentation is that the education of LEP students is not conceived as part of any larger mission. Programs to address their unique needs tend to remain ghettoized within SEAs, LEAs, and

30 percent failure to achieve basic levels of performance in reading and 36 percent in math) and even among students who were judged to have sufficient proficiency in English to take the tests, "those with low proficiency in English failed at a much higher rate than did students with high proficiency" (NCES, *Language Characteristics and Academic Achievement: A Look at Asian and Hispanic Eighth Graders in NELS:88* [Washington, D.C.: U.S. Department of Education, February 1992]). Preliminary data collected on a national sample of LEP students during the 1991-92 school year indicate that of 2.3 million school-aged children nationwide, approximately 200,000 LEP students were assigned to grade levels at least 2 years lower than age-grade norms. H. Fleischman, P. Hopstock, and A. Zehler, "*Preliminary Findings from the National Descriptive Study of Services for Limited English Proficient Students*" (Paper presented at the AERA meeting, Atlanta, April 1993).

[47] NCES, *Are Hispanic Dropout Rates Related to Migration? OERI Educational Research List (TCSVM): Hispanic Dropout Rates* (Washington, D.C.: U.S. Department of Education, November 14, 1992). See also *Indian Nations at Risk*, p. 7.

[48] For a well-documented case of California, see P. Berman, J. Chambers, P. Gandara, B. McLaughlin, C. Minicucci, B. Nelson, L. Olsen, and T. Parrish, *Meeting the Challenge of Linguistic Diversity: An Evaluation of Programs for Pupils with Limited Proficiency in English* (Berkeley, Calif: BW Associates, 1992).

[49] For example, the Westat study reported regular coordination between Chapter 1 and bilingual education offices in only one of six SEAs surveyed; *Providing Chapter 1 Services*, p. 18. This is also indicated by a CCSSO report indicating that there is little coordination between bilingual/ESL programs and the general instructional program, often resulting in discontinuity in the education of LEP students—especially when they are placed in mainstream classrooms and perform poorly; *School Success*, p. 24.

schools—if not physically, then in administrators' attitudes and practices.[50] Students receiving "special" instruction are not expected to meet the same high standards as "mainstream" children.

American education today lacks coherent systems to determine what children should learn, what levels of proficiency they should achieve, how staff should be trained to teach them, and how governance should be restructured to meet these goals. Without a clear *systemic vision*, it is impossible to plan, implement, or evaluate reforms so that our present efforts can become part of a continuous fabric of school and system improvement activities.

Toward a Second Generation

The Working Group has concluded that the second generation of Federal programs for LEP students must be designed and administered quite differently. Reorienting American schools away from the old assumptions—that minority children can learn only basic skills and that bilingualism is a handicap to be overcome—will require a comprehensive approach. Accordingly, we welcome an important new trend in educational philosophy, which holds that *reform must be systemic in nature*. That is, it must embody "a unifying vision . . . a coherent direction and strategy for educational reform throughout the system."[51] Such reform will require conscious planning, coordination, and leadership in all instructional components, including curriculum, professional development, assessment, and accountability.

At the same time, such reform must entail *a redefinition of roles and responsibilities* at all levels, a new structure of governance that is neither "top-down" nor "bottom-up." All stakeholders, including parents, must be involved in the development of a common vision for our children. Those responsible for instruction in schools and LEAs must have the authority and capacity necessary to make that vision a reality. SEAs are strategically placed to take the lead in coordinating the

[50] *School Success*, pp. 20-26.

[51] Marshall S. Smith and Jennifer O'Day, "Systemic School Reform," in S. Fuhrman and B. Malen (eds.), *The Politics of Curriculum and Teaching*, Yearbook of the Politics of Education Association (Bristol, Pa: Falmer Press, 1990), p. 246.

necessary changes in structure to support instructional changes at the school level. This includes eliciting public and professional participation, creating State plans, developing content and performance standards, and providing guidance to school districts in meeting defined goals. Meanwhile, the Federal Government should continue to provide supplemental resources, build State and local capacity, direct a national research agenda, and ensure equal opportunity.

Systemic reform holds promise for improving instruction and learning for all students, including LEP students. But such an outcome is not a foregone conclusion. Thus far the reform movement has generally sidestepped the particular conditions, needs, and strengths of LEP children. Difficult questions remain to be answered, for example:

- Entrusting States with greater responsibility can encourage coherent leadership, but what will ensure that LEP students are not left behind and that they receive appropriate services and instruction?

- The movement toward high standards for all students is welcome, but what will guarantee that LEP students have full access to a challenging curriculum, rather than programs that focus excessively on English acquisition?

- No matter how well LEP students' needs are acknowledged on paper, how much can schools really do to meet them when there is a growing shortage of bilingual and ESL teachers and many LEP students attend schools with severely limited resources?

Unless these and other issues are addressed directly, well-intentioned reforms could jeopardize a generation of progress for LEP students. A central purpose of the Working Group has been to ensure that these children are considered—and included—in sweeping proposals that could soon become law. Our detailed recommendations are offered in this spirit. They fall in three areas:

- **Setting the framework for reform,** ensuring that the needs of LEP students are addressed at all levels of system improvement.

- **Transforming Chapter 1,** a program currently focused on remediation, into a program that is well adapted to the needs of LEP students.

- **Retooling Title VII** to fulfill its leadership mission in bilingual education and to manage the Nation's language resources.

RECOMMENDATIONS

Setting the Framework for Reform

The Working Group believes that the Federal Government should actively encourage SEAs to play new leadership roles in school reform. State efforts on behalf of LEP children must be part of a comprehensive plan for systemwide reform. It is not enough for SEAs to maintain special programs targeting the needs of language-minority students. These efforts must be *integrated* with all other aspects of schooling. At the school level, there must be a coherent program in which Federal, State, and local funds are coordinated to enable students to meet high standards. In short, *all students must be included in a unitary vision for reform.*

The recommendations in the following sections (Sections I.1—I.6) anticipate action by Congress on an education reform bill prior to the reauthorization of ESEA.[52] Our understanding is that such a bill would establish Federal grants to SEAs to assist them in the development of comprehensive State plans and coherent policies in the areas of standards, assessment, accountability, and professional development. The following recommendations are presented in an effort to ensure that LEP students are fully incorporated into these reform efforts. However, if such legislation is not enacted prior to the reauthorization, the Working Group would support inclusion of similar provisions in the ESEA.

The State Role

Comprehensive planning is an important element in systemwide initiatives to improve schools. We envision a bill that would authorize Federal grants to SEAs for the purpose of developing a State Plan to improve the quality of education for all students, with specific attention to the special needs of LEP students.

I.1. Any federally supported State Plan to improve education must address the unique needs of LEP students in the State. We urge that this plan be developed through a process of public consultation that encourages the informed participation

[52] *Goals 2000: Educate America Act.*

of persons involved or interested in public education (including leaders of professional education associations, practitioners and persons experienced in teaching; parents; and community and business leaders). It is essential that participants in this process include persons knowledgeable about the education of LEP children, as well as parents of LEP children.

The State Plan should describe how the needs of LEP students will be addressed in the design and implementation of performance and opportunity-to-learn standards, any assessment and accountability systems that may be developed, and staff development. In their plans, States should further provide assurance that they have statewide criteria for English proficiency for students from other-than-English backgrounds. Information related to the State Plan and its implementation should be made available in languages substantially represented in the State.[53]

Standards

Language-minority students can greatly benefit from the movement toward higher standards for all. Yet, all too often, this goal is frustrated by a myopic focus on English acquisition, to the virtual exclusion of other subjects. To break the self-perpetuating cycle of low expectations and academic failure, LEP children must be provided access to challenging content *while they are acquiring English*. If students who face language barriers are to achieve high standards, schooling must be tailored to their strengths and needs. It is also essential that pursuit of greater competence in foreign languages begin with a recognition that *LEP students represent an untapped resource*.

Setting high expectations for all students will further the cause of educational equity, provided that appropriate, high-quality instruction and other essential resources are available. For this reason, it is essential that States develop and enforce mechanisms to ensure that all students have the opportunity to learn.

[53] The Working Group proposes the following method for determining the interpretation of substantial representation for purposes of compliance with this section of the report: "The Secretary, after providing for appropriate public consultation, shall define, through regulations, when a language other than English is spoken by students enrolled in K-12 programs in the State in sufficient numbers to constitute 'substantial representation' for purposes of compliance with this and other sections of the report."

Moreover, these mechanisms must be in place before any consequences are put in place for students who fail to meet content and performance standards.

We anticipate that a major goal of the reform bill will be to encourage States to establish common challenging content and performance standards for all students and "opportunity to learn" standards for schools and school systems to ensure educational equity. In this process, the Secretary of Education should provide guidance to the SEAs to develop and approve the standards. Moreover, LEAs should have an opportunity to engage the school and community in a discussion of the State standards and to determine if additional local standards are necessary.

I.2. High content and performance standards for LEP students should be established that are the same as those established for all other students.

I.2a. Each State should develop common content and performance standards for LEP students that are the same as those established for all other students.

I.2b. Any panels that may be established to develop model standards, review State Standards, or advise the Secretary on these matters must include persons knowledgeable about the education of LEP students. In addition, this process must fully involve parents of LEP students, as well as LEP secondary students where appropriate. Standards should be developed through a broad participatory process (including educators, parents, and other stakeholders, public and private) and then approved by the relevant State body. It is imperative that before and after approval, these standards and information related to them be widely disseminated both in English and in those other languages substantially represented in the State.

I.2c. In LEAs where there are LEP students, school staff and community members that represent LEP students should participate in any discussions about additional local standards for curriculum and instruction. Moreover, the educational needs and contributions of these students must be considered.

I.3. School opportunity-to-learn standards, adapted to the unique situation of LEP students, should be developed.

I.3a. States should establish opportunity-to-learn standards for schools and school systems, with provisions that meet the unique educational needs of LEP students. The Working Group strongly believes that students should not be penalized for failure to meet high performance standards unless they have been given the opportunity to learn. These standards might include such elements as safe schools, curriculum that meets the content standards, appropriately prepared and licensed or certified staff, use of instructional practices that can be shown to help students attain the standards (and elimination of those that are ineffective or counterproductive), appropriate and up-to-date materials and equipment, high-quality staff development and sufficient teacher release time, and programs and procedures for parent involvement.[54] With regard to LEP students, standards should include such provisions as staff well prepared to work with LEP students, linguistic accessibility (in a language and form that students can understand) of materials and instruction, and assessments that comply with Section 1.4. Standards should be developed through a broad participatory process (including educators and other stakeholders, public and private) and then approved by the relevant State body. Before and after approval, these standards and information related to them must be widely disseminated both in English and in those other languages substantially represented in the state.

I.3b. Any panels established by the Secretary to develop model standards, review State standards, provide technical assistance, or advise the Secretary on these matters must include persons knowledgeable about issues of LEP education.

I.3c. In LEAs where there are LEP students, school and community members that represent these students should participate in all discussions to supplement the standards or adapt local instruction to meet them. In these discussions, the educational needs and opportunities of LEP students should be considered.

[54] Commission on Chapter 1, Making Schools Work.

Assessment

Few valid, reliable instruments exist for assessing student achievement in challenging content and high-level skills, although there are development efforts underway.[55] For LEP children, the problem is further complicated because reliable tests in languages other than English have been virtually nonexistent, and valid methods for assessing LEP students' knowledge of content matter in English are yet to be developed. Currently there are no substantial efforts underway to develop assessment instruments for LEP students. Another problem is the lack of methods to assess the extent to which schools are meeting opportunity-to-learn standards.

The Working Group believes that the development of appropriate mechanisms to assess whether schools are meeting State performance and opportunity-to-learn standards is especially critical for LEP students. The Secretary should provide guidance to States in the development of these assessments, and should approve them.

I.4. The State, in a timely manner, should develop assessments of performance and opportunity-to-learn standards that are appropriate for LEP students.

I.4a. In States with substantial numbers of LEP students in given language groups, the State Plan should include a process for developing content area assessments in the native languages represented by these groups. This process may involve cooperative efforts among two or more States and should be coordinated with the efforts of the Office of Bilingual Education and Minority Languages Affairs (OBEMLA).

I.4b. Any commissions established to advise the Secretary in the development of the assessments and approaches in this section must include persons knowledgeable about the assessment of LEP students and systems serving them.

[55] "By All Measures: The Debate Over Standards and Assessments," *Education Week/Special Report* (June 17, 1992).

Accountability

Many of the current reform efforts make the assumption that SEAs and LEAs can stimulate creativity and initiative by giving schools greater flexibility in delivering instruction, while holding them accountable for outcomes. To work effectively, accountability mechanisms must combine well-defined content and performance standards with valid, reliable instruments for assessing student achievement, as discussed previously. One suggested solution has been to exclude LEP students from such assessments until they are proficient in English. The Working Group believes that such a course would be dangerous, because *it would leave no way to hold anyone accountable for the progress of LEP students.* As discussed previously, it is imperative that States develop appropriate assessments for LEP students. Until such assessments are available, States should use alternative measures to monitor the effectiveness of services for LEP children.[56] *Moreover, until the new accountability assessments are determined to be fully valid and reliable, and until mechanisms to ensure opportunities to learn have been implemented, these assessments should not be used for high-stakes purposes for students.*

I.5. The State should develop a system or systems of school and LEA accountability for LEP students that combine assessment of student outcomes and opportunities to learn.

I.5a. The Secretary should provide guidance to States in developing an accountability system for schools and LEAs that fully includes LEP students. The guidelines should call for a combination of mechanisms to gauge both student performance and opportunity to learn (Section I.4).

I.5b. The performance assessments developed pursuant to Section I.4 may be administered to a sample adequate to provide statistically stable estimates for schools and subgroups of students defined in Section I.5c. In the case of LEP students for whom adequate assessments in the native language are not available, the school may choose to waive content performance

[56] Inclusion of opportunity-to-learn standards is important for providing targets for system improvement, as well as accountability, and for guarding against a tendency to overemphasize English instruction for LEP students and neglect other subjects.

assessments conducted in English until the students have demonstrated sufficient English-language proficiency for the test to be a fair and accurate assessment. The sampling design should conform with professional standards.

I.5c. States should collect and report data on students' performance on the content assessments required by Section I.4: (i) for each school and LEA, and for the State as a whole, and (ii) within each school, for each major racial and ethnic group, for LEP students, and for economically disadvantaged students. For LEP students, the data should also include English-language proficiency scores; and in cases where these students are instructed in their native-language, native language proficiency scores.

I.5d. Where the school as a whole, or where LEP students, fail to make adequate progress or where a determination of adequate progress is impossible because substantial numbers of LEP students have been exempted from the required assessments of content, the school and the LEA should demonstrate that LEP students are being provided sufficient opportunity to learn the required content as measured by, for example, the provision of linguistically appropriate instruction and materials and properly trained teachers.

I.5e. States should determine what constitutes adequate progress, and LEP students should be required to make the same progress as non-LEP students. In making this determination, States should consider the results of the assessments required by Section I.4, as well as other measures of school success, such as grade retention and dropout rates. In cases where LEP students fail to make adequate progress, the State should take corrective action, including but not limited to ensuring the implementation of opportunity-to-learn standards.

Professional Development

To meet challenging content and performance standards for students, teachers must have a rich knowledge base in both the required content and relevant pedagogy. It is imperative that the State, in conjunction with professional and nongovernmental

actors, design and implement strategies for developing a professional teaching force prepared to meet this challenge.

In the case of teachers of LEP students, not only content and pedagogy but linguistic and cultural understanding are of paramount importance. Currently, there are not enough teachers who can teach challenging content in the native language or in English that is comprehensible to LEP students. Therefore, the State Plan should include efforts to increase the number of teachers who can meet the needs of LEP students.

I.6. SEAs should ensure an adequate supply of teachers well prepared to educate LEP students.

I.6a. The State should make special efforts to overcome the shortage of educational personnel trained to serve LEP children. Where states lack a credentialing process for bilingual or ESL teachers, the SEA should develop one in consultation with the Director of OBEMLA and other State and local experts in the education of LEP students. In addition, major initiatives are needed to increase the pool of bilingual and ESL teachers, including the recruitment of bilingual undergraduates and graduates into the teaching profession, enabling bilingual paraprofessionals to become certified teachers, and assisting LEAs in recruiting them.

I.6b. SEAs should ensure that all teachers are trained in (i) language development theory, (ii) methods of making content accessible, and (iii) specific knowledge about the history and culture of linguistic minorities substantially present in the State. Each SEA must ensure the availability, to all LEAs within the State, of high-quality teacher preparation and staff development programs designed to equip all teachers and paraprofessionals who instruct LEP students, with the skills necessary to teach challenging content, in all subject areas, in a way that is accessible to LEP students.

Transforming Chapter 1

Chapter 1 has exerted a powerful influence on the schooling of poor and minority children. First, it has been a force for expanding opportunities and overcoming a history of neglect; second, it has offered a remedial philosophy for addressing "educational deprivation." Since 1971, the achievement gap on basic skills tests between economically disadvantaged students and those from more affluent backgrounds has substantially narrowed.[57] Over approximately the same period, the school dropout rates of poor and minority children have declined sharply, except among Latinos.[58] With its "catch-up" orientation, however, Chapter 1 has failed to keep abreast of work-force changes that demand increasingly complex thinking skills of all graduates.[59] Nor has it helped to dismantle the two-tier system of American education, in which students' prospects for success depend heavily on their economic or ethnic backgrounds. Indeed, Chapter 1 has become an integral part of that system.

The Working Group agrees with the general findings of the Chapter 1 Commission and the Independent Review Panel of the National Assessment of Chapter 1. We stress three weaknesses in current law:

- An overemphasis on remediation in basic skills leaves Chapter 1 students unprepared to meet high standards of achievement.
- Fragmentation of instruction and isolation of Chapter 1 programs from the general school program and broader reform trends frustrate even the best efforts of schools.
- Chapter 1 resources are not distributed so as to concentrate their impact where it is most needed.

[57] M. S. Smith and J. A. O'Day, "Educational Equality: 1966 and Now," in D. Verstegen and J. Ward (eds.), *Spheres of Justice in Education*, The 1990 American Education Finance Association Yearbook (New York: Harper Business, 1991).

[58] *NCES, Are Hispanic Dropout Rates Related to Migration?*

[59] Independent Commission on Chapter 1, *Making Schools Work*, p. 4.

To address these and other shortcomings of the Chapter 1 program, we believe that Congress must first require States to develop comprehensive plans for systemic reform, which will include the development of high-content performance and opportunity-to-learn standards for all students, including LEP students. In addition, we support the thrust of the proposals by the Commission on Chapter 1 and the Independent Review Panel to upgrade curriculum and to abolish the current Chapter 1 testing system and replace it with assessments that measure progress toward high standards; to emphasize schoolwide improvements in instruction rather than services for individual students; and to rewrite the Chapter 1 funding formula to promote greater concentration of funds in high-poverty schools and high-poverty school districts.

We therefore recommend improvements in the following areas:

II.1. Chapter 1 funding for each State should be contingent on the preparation of a State Plan to meet the requirements of Section I.1. A 1-year grace period should be allowed for the preparation of such a plan.

Enhanced Access to Chapter 1 Services

LEP students are overrepresented in high-poverty schools,[60] which have more low-achieving students and greater needs for additional funding than less-poor schools.[61] There is documented case-study evidence that some school districts do not serve LEP students in Chapter 1, even when these students meet all eligibility requirements and attend targeted schools.[62] This

[60] Unpublished findings from the *Prospects Study* (reported in *Reinventing Chapter 1*, p. 17) support this point. The study found that 25 percent of 3rd graders in high-poverty schools were LEP, compared with 2 percent in low-poverty schools. Furthermore, over 45 percent of low-achieving students in grades 1, 4, and 8 in high-poverty schools were reportedly from language-minority backgrounds.

[61] U.S. Department of Education, *Reinventing Chapter 1*.

[62] Twelve of 31 SEAs responding to the CCSSO survey reported that "no Chapter 1 services at all are provided to Chapter 1-eligible LEP students or that no special services are available to these students" in their states; *School Success*, p. 25. Based on case study evidence, the Westat report (*Providing Chapter 1 Services to LEP Students*, p. 42) indicates that procedures to select LEP students for Chapter 1 services fall short. The criteria used to judge the adequacy of Chapter

problem is aggravated by Section 1014(d) of the Hawkins-Stafford Amendments of 1988, which requires Chapter 1 participants to "have needs stemming from educational deprivation and not related solely to . . . limited English proficiency."[63] Not surprisingly, when one considers the centrality of language to learning, schools have trouble disentangling a child's limited English skills from other sources of academic difficulties. Some "solve" this problem by systematically excluding students until they become proficient in English.[64]

II.2. Target funding to high-poverty districts or schools. The Working Group believes that Congress should approve a formula for Chapter 1 Basic and Concentration grants that targets more of these funds to areas with the highest concentration of poverty. Because LEP students are disproportionately concentrated in such areas, such a proposal would enable more of them to be served in the program.[65]

II.3. Repeal Section 1014(d). This requirement has contributed to the denial of Chapter 1 services to otherwise eligible LEP students.[66]

II.4. Ensure equal access to Chapter 1 programs. Statutory language must be added to clarify that all LEP students in targeted schools (and where relevant, in targeted grade configurations) are fully eligible to be selected for Chapter 1

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1 basic skills selection procedures for LEP students include: (1) whether the procedures distinguish between English language deficiency and educational deprivation; (2) whether the procedures are comparable to the extent they appear to lead to the selection of English-proficient and LEP students with similar needs; and (3) whether the procedures result in the selection of roughly proportional numbers of LEP and English-proficient students for Chapter 1 basic skills services.

[63] P.L. 100-297.

[64] Westat, *Providing Chapter 1 Services to LEP students.*

[65] The Working Group is aware of a number of recommendations to improve concentration of funds, including those of the Independent Commission on Chapter 1, *Making Schools Work*, pp. 36, 39-42, the Independent Review Panel of the National Assessment of Chapter 1, (February 1993) U.S. Department of Education, pp. 37-39, and the National Coalition of Title I/Chapter 1 parents. The Working Group encourages the Department and the Congress to consider the merits of these serious recommendations.

[66] This provision was intended to guard against local supplanting of Chapter 1 resources. Other provisions in the Working Group's recommendations, if adopted, would prohibit the use of Chapter 1 funds to provide services required by Title VI of the Civil Rights Act.

services and will be selected according to the same standard as non-LEP students. All LEP students in targeted schools (and where relevant, in targeted grade configurations) must be assessed to determine educational attainment. For such children, educational attainment must be measured in the native language unless clearly nonfeasible or the student is dominant in English. Because reliable and valid measures of student achievement in many native languages are currently unavailable, we would encourage the use of other measures until more valid and reliable assessments are developed, provided that the use of such measures does not have an adverse impact on the total number of LEP children served by Chapter 1.[67] Failure to provide eligible LEP students services on the same terms as, and in at least proportionate numbers to, those provided to eligible English-speaking students, should constitute *prima facie* evidence of a violation of Title VI of the Civil Rights Act.

Schoolwide Projects

Currently, schools with 75 percent of their students in poverty may apply to use Chapter 1 funds for schoolwide projects, rather than for supplemental instruction targeted to individual children.[68] Schoolwide projects provide a vehicle for much-needed reform in that regular classroom instruction, rather than supplemental and pullout instruction, becomes the focus for improving outcomes for students. Thirty minutes per day of supplemental instruction is not enough when the regular school program is deficient. In schools with high concentrations of poverty, schoolwide projects make sense because more children in the school are likely to benefit. Because LEP students are disproportionately concentrated in these high-poverty schools, schoolwide programs may be especially beneficial to them. We would support the extension of the schoolwide option to a greater proportion of schools receiving Chapter 1 funds.

[67] The *Chapter 1 Policy Manual* allows districts to use oral testing instruments and teacher assessments of student performance in selecting students for Chapter 1. The Westat study also proposes a number of data elements that can be used to assess the educational needs of LEP students, based on educational history, informal assessments, and teacher judgment. E.W. Strang and E. Carlson, *Providing Chapter 1 Services*, p. 69.

[68] Current law permits schools with an enrollment of students from low-income families of 75 percent or greater to operate schoolwide projects (Sec. 1015, P.L. 100-297).

However, the Working Group does not endorse recommendations to allow all Chapter 1 schools, regardless of their poverty concentration, to operate schoolwide projects. There is a danger that in schools where a majority of the students are not economically disadvantaged, and where the Chapter 1 allocation is commensurately smaller, students who most need extra help might not receive it.

Moreover, under current law, there are no adequate provisions to ensure that LEP students are not shortchanged. Indeed, such programs pose a heightened danger of perpetuating indistinguishable treatments for all children. First, current law does not require that schools operating schoolwide projects meet the special language needs of LEP students.[69] Second, schools are not held accountable under current law for ensuring that children served, including LEP children, make adequate academic progress.

II.5. Reduce the threshold for schoolwide projects to 50 percent. It will be critical, however, that all schools operating schoolwide projects comply with provisions in Section II.6, which requires that LEP students be provided with comprehensible, challenging curriculum and that schools ensure that increasing proportions of LEP students meet high performance standards.

Appropriate Instruction

As noted in the introduction to this report, services provided through Chapter 1 are often characterized by low standards and a philosophy of remediation and are in need of serious overhaul. For LEP students, the problem is further aggravated because even the current low level of instruction may not be linguistically accessible. Such a remedial approach restricts an LEP student's learning to rudimentary skills, at best. To be most effective, Chapter 1 must be refocused to emphasize high-level learning for all children while, at the same time, ensuring that the instruction is linguistically accessible to LEP students.

[69] *Chapter 1 Policy Manual*, pp. 67-75.

II.6. Ensure that LEP students have access to the same challenging curriculum as other students. To accomplish this, the quality and content of Chapter 1 instruction and the unique language needs of LEP students must be addressed. Instruction and materials must be made fully accessible to all students. For LEP children, this goal would be achieved not only through English language development, but also through techniques for making content comprehensible, including bilingual instruction and "sheltered English" methodologies.[70]

Staff Development and School Improvement

Well-trained bilingual teachers in Chapter 1 schools can make an enormous difference to LEP children because such teachers can deliver challenging content matter in the native language. Nonbilingual teachers in Chapter 1 schools can also provide effective instruction if they are well trained to work with LEP students. A comprehensive program of teacher education that addresses the language needs of LEP students in Chapter 1 schools is essential. In addition, schools, school districts, and States that participate in Chapter 1 should be required to plan how they will improve the performance of LEP students.

II.7. Train teachers to instruct LEP students more effectively. Schools should be required to spend a certain percentage of their Chapter 1 funds on staff development efforts each year. We support a set-aside of at least 10 percent in years 1 and 2, 15 percent in Year 3, and 20 percent in each year thereafter for staff development and school improvement, as recommended by the Independent Commission on Chapter 1.[71] LEAs enrolling LEP students should sponsor high-quality staff development, consisting of training staff in language development theory and methods of making content accessible to LEP students (including bilingual instruction), as well as assisting them to be more sensitive to the cultural and linguistic needs of the students.

[70] The following statutory language is suggested: *LEP students and non-LEP students in Chapter 1 shall have access to the same challenging content as provided all other students. However, under no circumstances shall "responsive to their needs" be construed to permit watered-down curriculum. When LEP pupils are served by Chapter 1, services must be specially designed to be responsive to their needs, including, where appropriate, native-language instruction.*

[71] Independent Commission on Chapter 1, *Making Schools Work*, p. 20.

II.8. Require schools to develop a plan describing how they will improve the performance of all students, including LEP students. All Chapter 1 schools, whether or not they operate a schoolwide project, should prepare and submit to the LEA a comprehensive student achievement plan.[72] The Working Group supports the Independent Commission's recommendation regarding the process for developing the plan and the content of the plan.[73] In addition, the plan should describe how the school would ensure that increasing proportions of students, including LEP students, meet the high performance standards identified in Section I.2. In schools with a LEP enrollment of at least 5 percent (or 25 students, whichever is less), professionals knowledgeable about LEP issues, parents of LEP students, and—in the case of secondary schools—LEP students, would be involved in the development of these plans. In addition, these schools should submit a budget with the plan that identifies how both Chapter 1 and non-Chapter 1 funds would be used to serve LEP students.

II.9. Require all eligible LEAs to plan how they would assist schools to improve the performance of all students, including LEP students. The Working Group supports the Independent Commission's recommendations regarding LEA plans.[74] In school districts with LEP enrollment of at least 5 percent, the LEA plans should also address (1) recruitment and training of teachers and aides to provide effective instruction to LEP students, (2) acquisition and use of instructional materials—in all languages substantially present in the school district—equivalent to those provided in the English-language curriculum, and (3) development and use of assessment instruments appropriate to measure the academic progress of LEP pupils pursuant to Section I.5a—e. The LEA should ensure that summary information about

[72] As stated in this section and in the following section, the Working Group believes that schools and districts should have only one improvement plan. In those cases where a schoolwide or districtwide plan has already been required by local, State, or Federal policy, such a plan shall suffice, provided that it contains the elements required in this section.

[73] Independent Commission on Chapter 1, *Making Schools Work* p. 48. The school-based plan recommended by the Commission would require each Chapter 1 school to analyze the school's achievement patterns and identify the steps the school will take to improve student performance, to provide staff development, and to involve parents, along with a budget and a timeline.

[74] Independent Commission on Chapter 1, *Making Schools Work* p. 49. The districtwide plan recommended by the Commission would include an analysis of achievement data by school and by district; assistance to schools in preparing their achievement plans, in selecting and coordinating appropriate professional development; coordinating parent involvement; and evaluation. Independent Commission on Chapter 1, *Making Schools Work*, p. 49.

school and district plans and the evaluations are widely disseminated to limited-English-proficient parents in the native languages that are substantially represented in the LEA. In school districts with LEP enrollments of at least 5 percent (or 100 students, whichever is less), professional and community members knowledgeable about LEP issues, parents of LEP students, and—in the case of secondary schools—LEP secondary school students should be involved in the development of these plans.

II.10. Require each State to plan how it will assist schools and school districts with staff development and school improvement activities designed to improve the performance of all students, including LEP students. Plans should be developed pursuant to Sections I.1 and II.1. Each State should make high-quality professional development and school improvement assistance available to assist schools and LEAs in meeting the needs of LEP students.[75]

Parent Involvement

It is critical that parents of LEP students become involved in their children's education. Moreover, because many parents of LEP students are not themselves fully literate, it is especially critical for LEP parents to have meaningful opportunities to enhance their own literacy skills. In the past, these opportunities have seldom been afforded to LEP parents either because such programs were not conducted by the LEA or, when they were, the LEA did not take steps to overcome language barriers to parents' participation. The Working Group believes that the following steps must be taken to enhance parent involvement and to ensure the involvement of LEP parents in the Chapter 1 program.

II.11. Require all Chapter 1 schools and the LEA as a whole to design and implement a comprehensive parent involvement program that is linguistically accessible to LEP parents. The program should include regular communication between teachers and parents, home-based educational activities, family literacy,[76] and parent training on how to become involved

[75] Independent Commission on Chapter 1, *Making Schools Work*, pp. 49-50.

[76] The Working Group proposes that Family Literacy Programs be offered in the native language, in addition to English.

at home and at school in their children's education. The LEA should ensure that LEP parents, or their chosen representatives, are consulted about program needs and have the opportunity to participate in the formulation of program plans.

II.12. Require all LEAs to develop and enforce a policy to provide parents with meaningful and understandable information about standards, assessments, and their child's progress toward meeting the standards. In the case of parents with limited proficiency in English, such information should be linguistically accessible.

II.13. Require that a description of the program and policies required by Sections II.11-II.12 be included in a written parent involvement plan that is linguistically accessible to LEP parents. The plan should inform parents of education and training opportunities available to them, of opportunities to be involved in school activities, and of their rights to receive information from the school on academic standards and on their own child's progress.

II.14. Require that an annual evaluation of parent involvement specifically evaluate the effectiveness of the program with regard to LEP parents.

Assessment

Chapter 1 students, including LEP students, should be assessed for the same content knowledge and skills as other students. For LEP students, this may present a problem because assessments in the native language have not been available. But the current lack of such assessments should not relieve the schools of their obligation either to gauge LEP student's achievement for instructional purposes or to be accountable for their progress. The following recommendations recognize that assessment must serve these two purposes.

II.15. In the assessment for instructional purposes, each LEA and school should select and use linguistically appropriate assessment measures designed to provide information and guidance to teachers, parents, and students on the progress being made by individual students in meeting standards prescribed in Section I.2 and to aid in improving the

performance of individual students.[77] Such assessments, to the extent practicable, should be in the language and form most likely to yield accurate and reliable information on what LEP students know and can do. This may include the use of multiple forms of assessment.

II.16. The Working Group recommends that provisions for assessment for Chapter 1 accountability purposes be the same provisions as those recommended in Section I.5a-e.

Accountability

Chapter 1 schools have been held more accountable for their compliance with fiscal requirements of the law than with the educational outcomes of the students.[78] The Working Group believes it is critical to raise performance standards for all Chapter 1 children, including LEP children, to ensure real improvement in student performance. Chapter 1 must have an accountability system that relies on local and State monitoring and enforcement of opportunity-to-learn standards and outcome standards. The enforcement system should involve graduated steps: initially, providing technical assistance for improvement and, ultimately, applying sanctions when schools fail to make adequate progress. Moreover, it is imperative that OCR aggressively enforce compliance with Federal civil rights laws and regulations protecting LEP students.

II.17. Require States to develop systems, to be approved by the Secretary of Education, to hold Chapter 1 schools accountable for making sufficient progress toward meeting State performance standards for all students. The SEA should define sufficient progress for all students through regulations. LEP students should be expected to show the same progress in the same grade levels and subjects as non-LEP students. State regulations should set forth additional requirements for defining LEP progress where assessments in the native language are not available, in compliance with provisions set forth in Section I.5a—e.

[77] Independent Commission on Chapter 1, Making Schools Work, p. 66.

[78] See, e.g., U.S. Department of Education, *Reinventing Chapter 1*, pp. 156-166. See also R. Slavin, "Chapter 1: A Vision for the Next Quarter-Century," *Phi Delta Kappan, 72*, 586-592 (1991).

II.18. Where schools are found to be failing, the initial response should focus on improving instructional quality.

II.18a. In all cases where schools fail to make sufficient progress, the LEA should provide technical assistance and necessary resources for school improvement.

II.18b. Where substantial numbers of Chapter 1 schools in a district fail, or an individual school continues to fail to make sufficient progress, the SEA should appoint a team of consultants external to the district to assess the Chapter 1 program or programs. In schools serving LEP students, the consultants should include at least one person with expertise in the education of LEP students. Areas to be assessed regarding LEP students should include (i) whether the LEA or school has adopted a sound educational approach to assist students in overcoming language barriers and to provide equal access to the curriculum—including, wherever feasible, native-language access; (ii) whether adequate resources are available to ensure full implementation of this approach; and (iii) where applicable, whether the school has sufficiently responded to the suggestions for improvement made by the LEA. The experts, in collaboration with LEA and school staff, should produce a detailed proposal for corrective action that includes a timetable for improvement. LEAs and schools should take corrective action based on this proposal.

II.19. Where a school or LEA continues to fail or make insufficient progress after a reasonable amount of time, the State should take further action, which may include institutional penalties (for the school or LEA); loss of decision-making authority (for the school or LEA); and, ultimately, closing the failing school. Individual penalties, such as reductions in pay and dismissal or transfer of the principal and other staff, may also be levied in relevant cases.[79]

II.20. Where an SEA fails to take appropriate enforcement action, where the SEA's actions are deemed insufficient, or where the SEA has otherwise failed to comply with legal requirements, the U.S. Department of Education should take appropriate action, including fund-termination proceedings.

[79] Independent Commission on Chapter 1, *Making Schools Work*, Sec. VIII.5.

II.21. Aggrieved persons should have a private right of action in the Federal courts to enforce the requirements of the law with regard to school, LEA, and SEA obligations.

II.22 Notwithstanding the State's primary role in the enforcement of Chapter 1, the U.S. Department of Education's Office for Civil Rights should continue to monitor and enforce compliance with Title VI of the Civil Rights Act of 1964 to ensure, among other things: (a) nondiscriminatory access of LEP students to Chapter 1 programs and (b) access of LEP students to the same high-level curriculum as other students.

Fiscal Responsibilities

II.23. The school district should not supplant funds that otherwise would be required to deliver a basic program to LEP students, but it should not be a violation of the supplanting provisions of ESEA to build on, expand, or coordinate basic education services with Chapter 1 services and assistance, including, where appropriate, the use of primary- language or English-language development.

Retooling Title VII

Title VII originated in 1968 as a demonstration program to promote innovative ways of teaching LEP children. Its emphasis soon expanded to capacity-building—enabling schools to better serve this population with bilingual approaches and leveraging a greater financial commitment from States and school districts. Over time, the law took on additional functions: research and evaluation, dissemination networks, teacher training, and materials development. In its first generation, Title VII became an all-purpose, Federal response to the needs of LEP students.

Although the capacity of States and school districts to serve language-minority students has increased, it remains uneven. Demographic changes during the past decade have brought linguistic and cultural diversity to new corners of the Nation. Concerted guidance is still needed to promote innovative programs, direct educational research, and enhance professional development. Title VII remains uniquely suited to provide this guidance.

The Working Group believes that Title VII can be made more effective in its second generation by working in tandem with new Federal efforts to guide and support States to ensure that LEP students meet high performance standards. We propose to reformulate the types of grants awarded to school districts under Part A so as to encourage innovation and to limit fragmentation of services within schools and school districts. The Working Group also proposes to create a new Part D to support language conservation and restoration efforts in schools and school districts serving Native American students. To enable schools, school districts, States, and the Department of Education to harvest and disseminate the knowledge gained about effective practice from Part A and Part D efforts, we propose a new system of evaluation under Part B. Further, we propose to enhance the capacity of the Office of Bilingual Education and Minority Languages Affairs (OBEMLA) to coordinate a national research agenda on the education of LEP students and the development of language resources to provide better information for policymakers and practitioners. Sophisticated planning and innovative pedagogies will go for naught unless schools are sufficiently staffed with teachers who are trained to teach challenging content to LEP students. Thus, we would also bolster Title VII's Part C efforts

to remedy the alarming shortage and the often poor preparation of educational personnel who serve LEP students. Further, we believe Title VII must do more to fill critical gaps to enhance the education of LEP students in early childhood and secondary school programs.[80]

Finally, we propose to enhance Title VII's "lighthouse" role in language policy, particularly in promoting the conservation and development of language resources. This reorientation is long overdue. Researchers have reported increasingly favorable outcomes for children in bilingual education programs that stress native-language development.[81] Such programs also serve the national interest by cultivating fluency in languages that are critical to U.S. trade and diplomacy. A variation of this approach, known as two-way bilingual education or bilingual immersion, offers English-speaking children an effective way to acquire other languages while language-minority children are acquiring English.

State Capacity

The Working Group believes that OBEMLA should continue to award competitive grants to school districts under Title VII. But because of the State's central role in systemwide

[80] See, e.g., Catherine Minicucci and Laurie Olsen, *Meeting the Challenge of Diversity: An Evaluation of Programs for Pupils with Limited Proficiency in English, Vol. 5, An Exploratory Study of Secondary LEP Programs* (Berkeley, Calif.: BW Associates, 1992).

[81] For example, a 6-year project of the California State Department of Education, entitled "Case Studies in Bilingual Education," described in James Crawford, *Bilingual Education: History, Politics, Theory, and Practice*, 2d ed. (Los Angeles: Bilingual Educational Services, 1991), pp. 126-41. See also Organization for Economic Cooperation and Development (OECD), Centre for Educational Research and Innovation, *Education and Cultural and Linguistic Pluralism: Synthesis of Case Studies—Effective Strategies and Approaches in the Schools* (Paris: Oct. 14, 1991). Eugene Garcia, "Attributes of Effective Schools for Language Minority Students," *Education and Urban Society*, 387-398 (1988); T. Carter and M. Chatfield, "Effective Bilingual Schools: Implications for Policy and Practice," *American Journal of Education*, 200-234 (1986) describe additional cases of effective bilingual practice.

In addition, Ramírez et al., *Final Report: National Longitudinal Study*, found evidence that positive outcomes of "late-exit" bilingual programs, which provided at least 40 percent of instruction in the native language through grade 6, grew "faster than the norming population" (p. 39). An expert panel of the National Research Council determined that, because of the study's inability to control for school-district variables, statistical comparisons were invalid between late-exit programs on the one hand and early-exit or structured immersion programs on the other. Nevertheless, the NRC concluded that the Ramírez report's findings regarding native-language development were "consistent with empirical results from other studies and support[ive of] the theory underlying . . . bilingual education"; Fienberg and Meyer, *Assessing Evaluation Studies*, pp. 103-105. See also Ann C. Willig, "A Meta-Analysis of Selected Studies on the Effectiveness of Bilingual Education," *Review of Educational Research* 55(3), 269-317 (Fall 1985).

reform—especially in setting and monitoring the impact of content, performance, and opportunity-to-learn standards—it must no longer be a passive bystander in this process. Currently the State plays a limited role in planning, assisting, evaluating, or replicating Part A programs within its jurisdiction. This must change if LEP students are to be incorporated into the full range of reform efforts that are taking place at the Federal, State, and local levels.

III.1. Enhance and improve the SEA's role in planning, coordination, program improvement, evaluation, dissemination of effective practice, and data collection. Although most of these activities are authorized under current law, the present proposal gives States more of a role in planning for the overall education of LEP students, promoting projects that are consistent with the State Plan, helping projects conduct self-studies, improving their programs based on these self-studies, and selecting and disseminating effective practices.

III.1a. Each State should have a uniform standard for defining limited English proficiency. Where a State does not have a uniform standard, it should develop one.[82]

III.1b. Each State's Comprehensive School Improvement Plan (as required by Goals 2000 or by Chapter 1) should describe how all LEP students in the State will be served, regardless of funding source, and should identify steps that the State will take to improve their performance. The plan should describe how grants under this Title within the State could most effectively further the State's priorities for educating LEP students. The State should further describe how it would use Title VII State program grants (Sec. 7032) to further the education of LEP students, including how they would coordinate technical assistance and evaluation activities with the appropriate Title VII Multifunctional Resource Centers and Evaluation Assistance Center. The plan should be developed through a process of broad public consultation that includes persons knowledgeable about the education of LEP children, as well as parents of LEP children. If the State does not already have a plan pursuant to Goals 2000 or Chapter 1, it should be required to develop one under Title VII that describes how the State would meet the educational needs of

[82] See Section III.12, *infra*.

LEP students. The Secretary, as well as the Director of OBEMLA, should approve the plan.

III.1c. The SEA should appoint a broad-based advisory panel, with substantial representation of persons knowledgeable about the education of LEP students, to develop and recommend to the SEA guidelines for submission of applications for funds under Parts A and Part D (where the grantee is an LEA). The guidelines should include the following: (i) how LEA activities funded under Parts A and D of this Title would further the goals and objectives in the State Plan with regard to LEP students and parents and (ii) a description of recommended activities that may be undertaken by LEAs with such funds to further the goals and objectives in the State Plan. The SEA should review and approve the guidelines and disseminate them to LEAs.

III.1d. In reviewing LEA applications for funds under Parts A and D (where the grantee is an LEA), pursuant to Sec. 7021(e)(5), the SEA should evaluate and comment to the Secretary on the extent to which activities proposed by the LEA conform to the guidelines described in Section III.1c.

III.1e. As required in Section III.8b, each State should develop guidelines to assist Part A and D grant recipients to conduct self-studies for purposes of improving program effectiveness.

III.1f. States should identify and disseminate effective practices for educating LEP students. In identifying these practices, States should consult with practitioners and others knowledgeable about the education of LEP students, especially those involved in the implementation of projects funded under Parts A and D of this Title. The State should also consider the results of self-studies required under Section III.1e and the results of demonstration research studies under Section III.11. The State should disseminate effective practices statewide.

III.1g. States should develop a system to provide technical assistance to Title VII grant recipients to help them

improve practice. Such a system, for example, might include the use of peers from outside the districts.[83]

III.1h. States should continue to report on the number of LEP students and the educational services provided or available to such students.[84] States may also use their funds to report on the numbers of LEP students who are highly proficient in their native language and on the numbers of non-LEP students who are highly proficient in languages other than English. In addition, the State may provide information on the services offered to promote high levels of native language proficiency in LEP students. The data may include (i) advanced language classes offered and enrollment of students by home language and (ii) performance on advanced proficiency measures in languages other than English, disaggregated by students' home language. All data-collection activities funded under Part B should be coordinated with other SEA data-collection efforts. The Secretary should review the regulations (34 CFR Sec. 548.10) to determine if they need revision in light of the Working Group's recommendations in Sections I.1—I.6.

III.1h. The SEA grant under Title VII, Part B, should range from a minimum of $150,000 to a maximum of 10 percent of Part A and Part D grants in the State. SEAs in their application for renewal of SEA grants should report on progress made in meeting the capacity-building objectives described in their prior application, as required by 34 CFR Sec. 548.32(b), and report on their plan to increase such capacity.

New Grant Categories

Short-sighted policies, especially during the 1980s, limited Title VII's support for developmental bilingual education, out of a concern that such programs contradict the goal of English acquisition. As noted previously, that fear has no basis in research. Nevertheless, Title VII currently reserves 75 percent of Part A for transitional bilingual education (with the remainder

[83] An example of this would be California's *Program Quality Review* system. See Guide and Criteria for Program Quality Review (Sacramento: California Department of Education, 1993).

[84] Sec. 7031-7032; 34 CFR Sec. 548.10.

divided among special alternative, developmental, academic excellence, special populations, and family English literacy programs). The compensatory, "quick-exit" orientation of current law has fostered a deficit model for teaching LEP children that focuses unduly on English-language development at the expense of higher order skills and advanced content knowledge. This approach also clearly detracts from the development of bilingual skills.

In addition, by awarding grants on the basis of program type, Title VII, Part A, has contributed to the fragmentation of educational services within schools and thus to the isolation of language-minority students. Moreover, defining program types largely on the basis of language of instruction has contributed to an unproductive and politicized debate that has tended to overshadow other pedagogical issues.[85]

Part A grant types need to be reformulated to encourage innovation and to limit fragmentation of services within schools and school districts. Criteria for competitive awards should favor programs that strive to develop higher order skills, to achieve high academic standards, and to foster proficient bilingualism.[86]

III.2. Redefine Part A grant categories along functional lines.

III.2a. Reduce the number of grant categories from six to three.

(i) Enhancement grants to improve an existing Title VII, State-supported, or locally funded bilingual program. Specific enhancements should respond to local needs in such areas as assessment, curriculum and instruction, parent involvement, and

[85] For example, Ramírez et al. found that three common program types——early-exit bilingual, structured immersion, and late-exit bilingual——were all characterized by a passive learning environment. Ramirez et al., *Final Report, National Longitudinal Study*.

[86] Proficient bilingualism refers to high levels of functioning in both the cognitive and social senses aspects of language, i.e., the ability to use both languages in academic settings, as well as the ability to become a full participant in the communities that use the languages.

use of technology. Grants would be awarded for 1—2 years in amounts up to $375,000 per year.[87]

(ii) Whole school grants to design and implement programs for LEP students that are integrated into the overall school program. Significant proportions of LEP students in a district must be served. To qualify, projects should feature strong components of staff development, parental and community involvement, and process and outcome evaluations. They must also document how other Federal, State, local, and private resources would be integrated. Priority should be given to schools with high concentrations of LEP students. Grants would be awarded for 3—5 years in amounts up to $750,000 per year.

(iii) Whole district grants to design and carry out programs for LEP students that involve entire LEAs or consortia of LEAs. Significant proportions of LEP students in the district or districts must be served. These projects should be integrated with all school reform initiatives currently underway in the district and should include systemwide staff development, evaluation, and parent and community participation components. Applicants should also document how other Federal, State, local, and private resources would be integrated. Priority would be given to LEAs with high concentrations of LEP students who submit proposals for innovative program designs. Grants would be awarded for 5—7 years in amounts up to $1 million per year.

III.2b. Adopt provisions to encourage coordinated programs and allow phase-in of programs. (i) English-proficient students may be served in the program as long as the program continues to focus primarily on LEP students, and as long as English-speaking students can be served without weakening the program benefits for LEP students. (ii) LEAs receiving whole school or whole district grants may be permitted to phase in their programs over 1 or more years, for example, by grade level, provided that they ultimately achieve full compliance with the requirement to serve significant proportions of LEP students.

III.3. Parties eligible for Part A grants should include one or more LEAs who may apply jointly with an institution of

[87] The maximum levels for grants in each of the categories under Part A represents the Working Group's best estimate at the time of publication.

higher education (IHE), including junior or community colleges, or with a private nonprofit organization.

III.4. In awarding grants, OBEMLA should give priority to applications that (a) promote full bilingual development, (b) are consistent with State Plans, and (c) provide innovative programs for underserved students.

III.4a. Selection criteria for Part A grants should give preference to programs that cultivate high levels of proficiency in two languages. In most cases, this preference will necessitate content area instruction in the students' native language. The Working Group recognizes, however, that in some situations, bilingual instruction will be administratively impractical due to the presence of small numbers of students of a particular native language or due to the unavailability of personnel qualified to provide bilingual instructional services. Where such is the case, the applicant may provide instruction through structured English, with the proviso that not more than 25 percent of Part A funds be awarded to programs that use such an approach. Even in the case of structured English programs, preference will be given to those that cultivate the bilingual capacities of LEP students through other innovative methods.

III.4b. The review process should take into account the commentary from the SEA on the extent to which activities proposed by the applicant(s) conform to the guidelines described in Section III.1b. This subsection should not pertain to applicants in States where there are no guidelines.

III.4c. OBEMLA should also give special consideration to underserved populations, for example, LEP students at the secondary and early childhood levels, those from less commonly served languages, and those from language groups that are relatively new to a particular region.

III.5. Eliminate the 3-year limitation on student enrollment in Title VII programs.[88] There is no pedagogical justification for imposing any arbitrary date for students to exit a Title VII, Part A, bilingual program. To the contrary, language-minority students should be provided opportunities to

[88] Sec. 7021(d)(3)(A).

continue studying in the native tongue after they become proficient in English. However, programs must demonstrate satisfactory development in English- and native-language skills, as well as content.

Review and Advisory Panels

OBEMLA currently reviews grant applications using outside consultants selected on an *ad hoc* basis, who are not always knowledgeable about all important features of Title VII projects (e.g., staff development, parental involvement, and evaluation). A more professional process is needed, which should be modeled on the National Institutes of Health peer review process.[89]

III.6. Award grants using long-term review panels composed of individuals experienced in key aspects of LEP education. Regulations should make provisions to ensure that persons serving on such panels are knowledgeable about the education of LEP students. To seek nominations, Department staff should consult widely with SEAs, IHEs, professional associations, tribal organizations, advocates, and others active in second-language acquisition issues. Selection for such panels would be considered a mark of high achievement, as well as an opportunity for professional development. Appointments should be made to 3-year terms, staggered annually to ensure a continuous flow of new ideas and perspectives.

Native American Language Conservation

Since the passage of the Native American Languages Act of 1992,[90] U.S. law has distinguished Native American languages as a special category for which special promotion, youth, and teaching in schools are official Government policy. Title VII has long supported Part A programs for LEP students from American Indian, Alaskan Native, Native Hawaiian, and Pacific Islander backgrounds. By necessity, these programs have sometimes contributed to the conservation of indigenous languages, for

[89] See *NIH Advisory Committees: Authority, Structure, Function, Members* (Bethesda, Md.: National Institutes of Health, U.S. Department of Health and Human Services, 1991).

[90] P.L. 102-524.

example, through materials development and the production of dictionaries. But there is an awareness that much more needs to be done in the schools to conform with present Federal policy. A majority of Native American tongues may face extinction within the next generation (one linguist has placed 149 out of 187 in this category).[91] Even the most widely spoken of these languages will be endangered unless a concerted effort is made to save them.[92] Congress began to address this problem with the Native American Languages Act, authorizing grants to tribal governments for community-based projects. However, school districts are not eligible for these grants. The Working Group strongly supports this legislation and urges that it be funded (so far, Congress has yet to do so). But, in addition, we believe that the cause of reviving indigenous languages must be served through programs at the school-site level in order to conform with Federal policy on Native American languages education.

III.7. Create a new Part D of Title VII to support language conservation efforts in schools serving Native American students. Grants should be awarded to LEAs, Bureau of Indian Affairs schools, and tribally controlled schools seeking to preserve the linguistic heritage of Native Americans through programs of bilingual education. Projects must be planned and implemented in partnership with parents, tribal leaders, and elders in Native American communities to ensure their cultural appropriateness. Priority should be given to schools with high concentrations of students whose ancestors spoke the same traditional indigenous language. OBEMLA should work with the Office of Indian Education to determine budgetary needs, and Congress should enact a separate annual appropriation for Part D. The availability of language conservation grants would in no way reduce eligibility of Native American programs for grants under Title VII, Part A.

[91] Michael Krauss, quoted in Jared Diamond, "Speaking with a Single Tongue," *Discover*, 81-82 (Feb. 1993).

[92] Ofelia Zepeda and Jane H. Hill, "The Condition of Native American Languages in the United States," in Robert H. Robins and Eugenius M. Uhlenbeck, *Endangered Languages* (Oxford, England: Berg Publishers, 1991), pp. 135-56. See also Kenneth Hale et al., "Endangered Languages," *Language*, 68(1), 1-42 (March 1992).

Evaluation and Program Improvement

Historically, Title VII, Part A, project evaluations have been of little value for either program improvement or accountability. A recent survey found that although each year program evaluations consume, on average, 80 days of local staff time and $3,500 for outside consultants, the quality of data is questionable. In addition, OBEMLA lacks the capacity to review evaluations; and project administrators do not find the process useful, either (except for the purpose of collecting data for the conduct of future evaluations).[93] The Working Group believes that a comprehensive, constructive evaluation system is critical to the success of Title VII's mission. Evaluations of Part A grants are needed (1) as a useful tool for self-analysis and project improvement, (2) as a means of determining project compliance and effectiveness, and (3) as a means for identifying promising approaches. Moreover, Part B funds should be used to enable States to disseminate effective practice.

III.8. Require an annual self-study by each Title VII grantee for purposes of project improvement.

III.8a. OBEMLA should develop model guidelines to assist Part A and D grant recipients to conduct self-studies of program effectiveness. The self-study must examine components of the program (e.g., curriculum, materials, ESL instruction, assessment, parental involvement, staff development, and career planning). Key questions might include: How does the project incorporate LEP students' language and culture? Do students have better access to high-quality instruction than nonproject students? How can assessment of student performance be used in guiding the quality of instruction?

III.8b. Using OBEMLA's model guidelines, each State should develop State-specific guidelines to assist Part A and D grant recipients to conduct self-studies for the purposes of improving program effectiveness. Such guidelines should assist grantees in evaluating how well they are meeting the objectives

[93] P. Hopstock, M. Young, and A. Zehler, *Serving Different Masters: Title VII Evaluation Practice and Policy. Vol. I. Final Report* (Arlington, Virginia: Development Associates, prepared for Office of Policy and Planning, U.S. Department of Education, 1993).

of the project and how well the students served are meeting State performance standards.

III.8c. Project staff should design and carry out a yearly assessment using guidelines developed by the SEA pursuant to Section III.1e. Those grantees who reside in States with no State Plan (pursuant to Section III.1) or guidelines, or grantees who are not subject to the State's jurisdiction (e.g., a tribal recipient of a Part D grant) should use the model guidelines developed by OBEMLA.

III.8d. The SEA should identify effective practices pursuant to Section III.1f. States may then apply for supplemental funds under Part B-State Grants to disseminate these practices statewide and to operate model demonstration sites.

III.8e. Based on the results of the self-studies, the SEA should assist Part A grantees in improving programs.

III.9. OBEMLA should work with successful SEA recipients of dissemination grants under Part B, to disseminate these effective practices nationwide and to assist promising projects to qualify for National Dissemination Network and Blue Ribbon status.

III.10. Revise OBEMLA project evaluation requirements. Within 6 months of enactment, the Secretary should issue revised regulations governing the evaluation of programs assisted under Part A of this Title.[94] Such regulations should be developed by the Director of OBEMLA in consultation with SEA staff, including State Directors of Bilingual Education, the Evaluation Assistance Center staff, and individuals and organizations with expertise in testing and evaluation of educational programs for LEP students. The revised regulations should require recipients to report only information needed to enable OBEMLA to determine (a) whether the recipient is in compliance with the law, including prohibitions against supplanting, and (b) in the case of whole school and whole district grants, whether the project has been sufficiently successful to merit additional funding. For projects authorized for more than 3 years,

[94] See Section 7033.

evaluations should be performed in time for OBEMLA to consider the findings in deciding whether to continue funding such projects.

Research

Federally funded research in bilingual education has focused narrowly on costly, large-scale evaluation studies aimed at comparing program types. Questions have been determined more by political than pedagogical considerations. For example, research has sought to determine which approaches should receive priority in funding—those using more or less native language. In addition, due to research design flaws, such studies have yielded few conclusive answers.[95] Meanwhile, by neglecting the fertile field for research offered by Part A projects, Title VII is failing to harvest lessons about effective instruction. A recent review by the National Research Council recommended "more focused and theoretically driven studies to analyze the interaction of different instructional approaches in bilingual education contexts of specific community characteristics."[96] The results of such research would assist in policy-making and classroom practice.

III.11. Establish a Coordinating Committee to determine research priorities.

III.11a. Title VII's overall research agenda should be guided by a Coordinating Committee appointed by the Secretary that includes the Director of OBEMLA, members of the relevant Principal Operating Components (POCS), and at least five members of the bilingual research and practitioner communities. Priorities should be set by taking into account whether research (i) advances the mission of Title VII in the context of State and national goals and standards, (ii) supports SEA and LEA efforts to enhance language resources, and (iii) addresses the practical needs of schools and staff. Examples of such research include development of theoretically sound, appropriate assessments to measure the mastery of LEP students in meeting the voluntary national content standards or those set by professional associations in each discipline, development of

[95] Fienberg and Meyer, *Assessing Evaluation Studies*.

[96] Fienberg and Meyer, *Assessing Evaluation Studies*.

assessments to measure English and native language proficiency, and bilingual teacher supply and demand.

III.11b. The Coordinating Committee should also guide a portion of the Part B funding, which should be reserved for (i) demonstration research studies of Part A and D (Native American) projects and (ii) other studies that look at the effectiveness of programs funded under this act. Demonstration research studies should use collaboration between researchers and practitioners. The purpose of such research should be to build a theoretically sound knowledge base about effective schooling, defined in part by the social and academic development of students served in these programs. Studies should also be conducted to identify the best approaches to Federal resource allocations under this title.

III.12. Develop a model standard for the definition of limited English proficiency for purposes of national and State data collection. The Secretary should act through NCES and in consultation with OBEMLA, the National Cooperative Education Statistics System, and persons knowledgeable about bilingual and ESL issues to develop a model standard that may be used by States to comply with Section III.1a.

III.13. Ensure that national data-collection efforts include information on LEP students. The Secretary should require that data on LEP and language-minority students be collected as part of the Department's data-collection activities, including the common core of data.

Materials Development

III.14. Develop instructional materials in less commonly served languages. The Secretary should award grants under Title VII, Part C, for the development, publication, and dissemination of high-quality instructional materials that (a) promote the conservation of Native American languages and (b) assist instruction in native (non-English) languages for which high-quality materials are not readily available. Priority should be assigned to applicants who demonstrate in their application that they will develop materials aligned with national and State content standards. Applicants should also demonstrate that they would collaborate with entities setting content standards (e.g., national

panels or commissions or SEAs, with those entities responsible for educating students to meet such standards (e.g., schools and LEAs), and, where appropriate, with tribal entities. Parties eligible for grants under this section would include LEAs, SEAs, IHEs, and for-profit and nonprofit organizations.

Teacher Training

Though the LEP student population is increasing dramatically, the number of teachers who are competent to instruct them is decreasing. One recent study found that 70 percent of bilingual teachers and 60 percent of ESL teachers lack any formal training or certification.[97] Last year, in California alone, there was an unfilled need for nearly 19,000 bilingual teachers and more than 17,000 ESL teachers.[98] OBEMLA has estimated a nationwide shortage of 175,000 teachers who are fully qualified in this area.[99] IHEs have been unable to meet this demand on their own; a special problem has been their inability to attract sufficient numbers of bilingual teacher candidates. Further, given the demographic shifts in the student population, many practicing teachers must work with LEP students but do not have the training to do so effectively.

Congress has failed to keep up with the growing need. Although 25 percent of Title VII appropriations are reserved for Part C (professional training and support services), the FY 1993 appropriation represents only about 18 percent. The Educational Personnel Training Program alone has been reduced to 62 percent of its 1988 funding level (without adjusting for inflation).

In addition, many teacher education programs and SEAs still lack the capacity to develop the instructional work force needed to educate LEP students. For several years, the Department of Education has been unable to award all of the 500

[97] Pelavin Associates, Inc., *A Revised Analysis of the Supply of Bilingual and ESL Teachers: An Analysis of Schools and Staffing Survey Data.* (Washington, DC: Pelavin Associates, September, 1991, prepared for the Office of Planning, Budget and Evaluation, U.S. Department of Education).

[98] Norman C. Gold, "Solving the Shortage of Bilingual Teachers: Policy Implications of California's Staffing Initiative for LEP Students," Paper presented at the Third Research Symposium on Limited-English-Proficient Students' Issues, OBEMLA, Washington, D.C., Aug. 12, 1992, pp. 13, 18.

[99] Peter Schmidt, "Shortage of Trained Bilingual Teachers," *Education Week* (Feb. 5, 1992).

annual fellowships for graduate study currently required by law, in part due to insufficient IHE capacity at the current time.[100]

The Working Group's major recommendations to improve the work force are (1) to fully fund Title V of the Higher Education Act, (2) to implement the recommendations for staff development made previously in Sections I.6 and II.7, and (3) to improve Title VII as follows.

Title VII must provide models and leadership, as well as targeted support, for training programs. Such programs should be consistent with State Plan goals for staff development and should stress training for *all education personnel*—teachers, paraprofessionals, guidance counselors, curriculum developers, resource specialists, principals, and others—including training funded through Chapter 1. These State Plans should coordinate all professional development to better serve LEP students.

III.15. Encourage SEA efforts to remedy teacher shortages. A portion of the Title VII SEA grant should be available for technical assistance to LEAs for recruiting and retaining bilingual teachers and for encouraging teachers and paraprofessionals who are bilingual to become certified bilingual teachers.[101]

III.16. Provide funding through the following reformulated training grant categories:

A. Bridge-to-credentialling projects designed to encourage and assist bilingual individuals become educators of LEP students. Funds could be used to recruit prospective teachers, including secondary school students, community college students, and practicing paraprofessionals, and to provide them with support for preprofessional coursework. Eligible parties should include IHEs (including junior and community colleges), or an IHE in collaboration with one or more LEAs or a nonprofit

[100] Funding for the program was terminated temporarily in FY 1988 and FY 1989 and reappropriated in FY 1990. Only 359 fellowships were supported in FY 1992.

[101] The California State Department of Education has sponsored such a staffing initiative since 1987, with some success in stemming the growth of teacher shortages; Gold, "Solving the Shortage of Bilingual Teachers: Policy Implications of California's Staffing Initiative for LEP Students" (Paper presented at the Third Research Symposium on Limited-English-Proficient Students' Issues, OBEMLA, Washington, D.C., Aug. 12, 1992), pp. 13, 18.

organization. In the case of 2-year IHEs, preference should be given to those that collaborate with one or more 4-year IHEs.

B. Credentialling projects for current or prospective education personnel, including paraprofessionals, leading to a degree or certification for educating LEP children.[102] Eligible applicants should be IHEs. Preference should be given to applicants that demonstrate that they will institutionalize the project after funding is terminated.

C. Staff development projects for personnel in schools that currently enroll LEP students to improve the ability of such staff to work with LEP students. Such projects should be coordinated with the LEAs' other staff development efforts (e.g., under Chapter 1 or Title VII, Part A). IHEs, SEAs, LEAs, and nonprofit organizations may apply for these grants. Eligible participants may include teachers in other disciplines seeking to specialize in bilingual education or to build their capacity to work with LEP students in content area classrooms.

D. Capacity-building projects in which an IHE or SEA with demonstrated expertise receives a grant to build staff capacity in other institutions (including IHEs and SEAs) that train or provide technical assistance to educators of LEP students. The goal is to enable these other institutions to improve their technical assistance and training activities related to educating LEP students. Eligible applicants should include IHEs and SEAs.

E. Restructuring projects to encourage the redesign of entire educator training programs to more effectively prepare all prospective educators to serve LEP students. Eligible applicants should be IHEs.

III.17. Give funding priority whenever applicable to projects that (a) develop skills in education personnel with proficiency in languages other than English, (b) facilitate LEP students' access to academic content, (c) offer practical experience for those not working with LEP students at the time of training, (d) provide multiple paths to credentialing, and (e) include mentoring programs.

[102] Current legislation states that the program should award college or university credit "whenever possible" (Sec. 7041(d)).

III.18. Fully fund the Title VII fellowship program. Fellowships should be made available at the master's and doctoral levels to prepare educators with significant field experience in working with LEP students for careers in areas specified in Sec. 7043. The currently specified numbers of fellows should be maintained and fully funded.

Technical Assistance and Information Dissemination

Title VII currently supports 16 regional Multifunctional Resource Centers (MRCs), each of which provides training and technical assistance to LEAs to gather information on one particular aspect of bilingual education. It also funds two Evaluation Assistance Centers (EACs), which offer technical assistance to SEAs and LEAs in assessing LEP students and evaluating programs to serve them. Finally, it sponsors a National Clearinghouse for Bilingual Education (NCBE) to collect, analyze, and disseminate information on all facets of LEP education.

This network of support centers provides useful technical assistance and information to educators and parents. In light of recent and continuing national and State reform efforts (see Section I, "The State Plan"), these centers are poised to assume an important role in improving the capacity of schools, school districts, and SEAs to educate LEP students to their highest potential. To fulfill this potential, a more integrated network of support services is needed.

III.19. Align the work of the MRCs, EACs, and NCBE with national education goals and with State and national efforts to promote higher standards and outcomes for all students. Congress should require the Secretary of Education to commission a study to determine how this alignment of efforts will be best accomplished. Pending the outcome of this study, the following interim changes should be adopted:

A. MRCs should improve coordination with SEAs, ideally through the State Plan, in areas of staff training and dissemination of information. They should also stress long-term professional development and technical assistance, rather than single-event workshops. Finally, the MRCs' information-gathering role should be assumed by NCBE.

B. EACs should concentrate on advising SEA and MRC staff and emphasize the development of State capacity to conduct evaluations of Part A programs.

C. The contracts of MRCs, EACs, and NCBE should extend for 5 years to minimize disruption of services.

OBEMLA Roles

The Working Group has outlined an ambitious agenda for improving the education of LEP students. Rewriting the ESEA is only the first step. Putting these ideas into practice will require reforms at all levels of educational governance and new roles for OBEMLA, in particular. Whereas SEAs will be encouraged to play a larger part in the education of LEP students, they will need guidance on such issues as school improvement, identification of effective practices, and dissemination of these practices. OBEMLA is the logical agency to exert leadership in these areas.

Moreover, OBEMLA is well situated to coordinate efforts to develop the Nation's language resources. According to an informed estimate, the Federal Government spends well over $1 billion each year to support second-language instruction in elementary and secondary schools, IHEs, adult classes, the U.S. military, the Foreign Service, and other institutions.[103] But no systematic effort is currently made to determine whether funds are being used effectively, what policy goals are being promoted, or even how much is being spent overall. The lack of a comprehensive approach not only leads to waste and inefficiency in government, but also complicates efforts to upgrade critical language skills.

We propose to redefine OBEMLA's roles as follows:

III.20. The Director of OBEMLA should be elevated to an Assistant Secretary for Bilingual Education and Minority Languages Affairs.

[103] J. David Edwards, "Foreign Languages and the State of the Union" (Joint National Committee for Languages, March 1993). Congress has authorized more than 40 new programs in languages and international studies since 1981, through legislation as varied as Star Schools, the English Literacy Grants Program, the U.S. Peace Institute, the Japanese Technical Literature Act, the Congress-Bundestag Exchange, and the Immigration Reform and Control Act.

III.21. Ensure the full inclusion of language-minority students in national, State, and local reform efforts. OBEMLA should promote achievement of the national education goals by LEP students and the schools that serve them by coordinating with other relevant programs at the Federal level, and consulting with SEAs. OBEMLA should report on such efforts in its annual report to Congress.

III.22. Ensure that all relevant activities operated or funded by the Department address the needs of LEP students. The Secretary, in consultation with OBEMLA and other relevant Principal Operating Components (POCs), should ensure that research, evaluation, and dissemination activities supported by the Department, including labs, Centers, and the National Diffusion Network, adequately address the needs of LEP and language-minority students.

III.23. OBEMLA should function as the "lead agency" for the Department's language-related research agenda, including defining national research priorities. OBEMLA should work closely with the Office of Educational Research and Improvement and other branches of the Department of Education to ensure that these priorities are met.

III.24. Coordinate all Federal language education programs. Adopting a language-as-resource orientation, OBEMLA should investigate the feasibility of a comprehensive national language policy. It should begin by commissioning a study of language-education programs and practices throughout the Federal Government—encompassing Title VII, Chapter 1, migrant education, foreign language assistance, adult education, international education, Head Start, job training programs, and the National Security Education Trust Fund.

III.25. The Secretary should ensure that OBEMLA is staffed with sufficient personnel with expertise in the education of language-minority students.[104]

[104] Language from the Fund for the Improvement of Post-Secondary Education (FIPSE) legislation [SC. 1003 (a), HEA] may be appropriately borrowed here: "The Secretary may appoint, for terms not to exceed 3 years, without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service, not more than 5 technical employees to administer this subpart who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates."

III.26. In the case where a Title VII, Part A, grantee is located in a State that does not have a Title VII State grant, OBEMLA should designate the appropriate MRC and EAC to carry out State responsibilities. Such activities should include technical assistance, evaluation support, and statewide dissemination of effective practice.

CONCLUSION

The Stanford Working Group believes that adopting these recommendations can make an enormous difference for millions of LEP students—whether or not the Federal Government expands its financial commitment. At the same time, we share President Clinton's view that *education means investing in our people.* We are heartened by his campaign pledge to "reduce the education gap between rich and poor by increasing Chapter 1 funding."[105] And we hope that Title VII, whose support was cut by one-third in the past 12 years, will receive at least the same consideration. Equity in resources is necessary, if not wholly sufficient, to ensure that all children benefit from school reform in the 1990s. Equally important, LEP children must be considered at every level of school reform—not as afterthoughts or "generic" learners, but as valued students who happen to speak languages other than English. These students bear the gift of bilingualism, which the Federal Government should use to nurture an international perspective on the next generation of Americans.

[105] Bill Clinton and Al Gore, *Putting People First: How We Can All Change America* (New York: Times Books, 1992), p. 86.

Statement of Cynthia Brown and Julia Lara
on
the Report of the Stanford Working Group

We enthusiastically support the general thrust of this policy framework. The recommendations put forth by the Working Group will ultimately assure greater access of limited English proficient (LEP) students to Chapter 1 services, enhance the stature of bilingualism, and extend the role of state education agencies in the education of language minority LEP children.

However, the recommendations do not go far enough to fulfill the vision and goals outlined for state action and responsibility in the report. This vision acknowledges that "state education agencies are strategically placed to take the lead in coordinating the necessary changes in structure to support instructional changes at the school level."

We believe the quality and efficiency of instructional services delivered to LEP students can be assured by state education agency administration of grants to local school districts under Part A of Title VII, the Bilingual Education Act. State education agencies have assumed a leadership role in systemic change efforts. Most state education leaders embrace the notion that educational outcomes for all children will be improved only when deep, fundamental changes take place in all sectors of the education enterprise. Bilingual education programs must be integrated with state reform efforts in the areas of curriculum, staff development, and assessment. Also, they must be linked purposefully to state efforts designed to improve administration of other programs such as Chapter 1, migrant education, and special education.

Although the recommendations for Title VII concerning the role of the states is an improvement upon current legislation, they fall significantly short of what is needed. We believe state education agencies should be responsible for administering Part A of the federal bilingual education program. The state agency should be bound by federal criteria for state approval of applications to ensure that: a) funds are directed to schools and/or districts serving high concentrations of LEP children, b) funds support certain priority programs, and c) staffing at the state level is competent to fulfill the added responsibilities. State agencies should add to this their discretionary judgement about priorities based on an analysis of student need, local capacity, and statewide educational goals.

One Dupont Circle, Suite 360
Washington, DC 20036-1110
Ph: (202) 293-6440
Fax: (202) 293-0073

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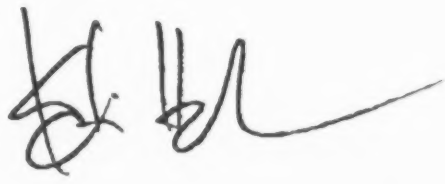
SUPPLEMENTARY STATEMENT
KATI HAYCOCK, AMERICAN ASSOCIATION FOR HIGHER EDUCATION

I concur wholeheartedly with the major recommendations of the Stanford Working Group on Limited Engligh Proficient Students. In my judgement, these recommendations--if adopted by Congress--would substantially improve the education of vast numbers of LEP children.

There is, however, one matter on which I would go much further than the Working Group, and that is on the appropriate threshold for "school-wide projects" in the Chapter 1 program. The Working Group recommends that the current requirement for 75% poverty be lowered to 50%. By contrast, the Commission on Chapter 1, in a recommendation that I strongly support, suggests that <u>all</u> Chapter 1 schools be freed from overwhelmingly burdensome requirements to tie the expenditure of dollars to individual students. Instead, such schools would be held accountable for what is truly important: getting their students--rich and poor, minority and white, lep and non-lep--to state standards. In my experience, the requirement to tie dollars to individual children encourages educationally unsound and socially stigmatizing practices like pull-out drill and practice, regardless of whether the school has 75% of its children in poverty or 40%. I don't think that this makes sense in <u>any</u> school.



Statement of Jim Lyons
on
the Report of the Stanford Working Group

I concur in the report's conclusion that federal education policy should support Native American Language Conservation. I disagree with the report's recommendation for the creation of a new separately-authorized and separately-funded (new Part D) Title VII program exclusively focused on Native American Language Conservation for two reasons. First, this recommendation detracts from the notion that all federal education programs, especially Title VII, should be structured so as to carry out the national policy of Native American language conservation set out in the Native American Languages Act. The goal of Native American Language Conservation should be an integral, not a separate, part of Title VII. Second, other potential amendments to Title VII not included in the report's recommendations, including making Tribally-sanctioned educational and community non-profit organizations eligible to apply separately or in collaboration with a LEA for relevant Part A program grants, seem better calculated to achieve the report's objectives.

Minority Report on the 25% Provision for Structured English Immersion Programs in Title VII (Section III.4a)

Richard Ruiz

I object to the provision for structured English immersion programs in Title VII. I believe I understand the thinking of those who proposed re-inserting such language into the document, and I do not doubt that they have only the best of motives: absent this provision, OBEMLA may be forced to spend a very high proportion of its Part A funds on English immersion projects; the 25% proviso should be seen as a safeguard against such a possibility. Let me try one last time to convince my colleagues and those who will use this document to fashion a new Title VII of the error of such a provision.

(1) First, and most important, the provision is a violation of the integrity of the document. We start and end our report with strong statements about the importance of bilingualism and the need to reorient the nation and its policies toward the revaluing of languages other than English. In fact, Section III.4 itself speaks of the priority given to funding applications that "promote full bilingual development." To keep alive a provision from an era in which policy was formulated in order to undermine the natural bilingual strengths of the nation is repugnant to me. A "second generation" of policy-makers should be bold, principled and consistent in their proposals; this section is a concession to the politics of the past.

(2) Second, and much less important, we should understand that the "caps" on English-immersion that now exist in the present Title VII have not kept funding for this program type from expanding at an astounding, I might say alarming, rate, especially in the last 5 years. Conversely, funding for developmental programs has a dismal history. It may well be argued that the "cap" actually serves more as a set-aside for English immersion. This is the sort of thing that happens when a policy on "bilingual" education allows for programs that are monolingual in both practice and intent. The juxtaposition of this provision with our expressed "preference" for programs that promote bilingual proficiency is not strong enough to prevent a continuation of such an unbalanced funding history.

(3) Third, even if I could be convinced that such a provision were acceptable, why would we want to keep the exact (very high) percentage existing in the present Title VII. Why not revert to the 4% of 1984? The fact that this provision was pushed into the policy by a Secretary of Education who vilified bilingual education as a "failed path" should make us at least suspicious of its usefulness in promoting "full bilingual development."

(4) Fourth, in a document that gives priority to full bilingual development, there is something incoherent about setting aside funds for structured English immersion programs without saying anything comparable about programs of developmental bilingual education. If we are serious about such a priority, we should put some definite (and high) figures into our policy statement.

I remain hopeful that this provision will be eliminated from the next manifestation of Title VII. Any "blueprint" for a new generation should at least not propose a repetition of the failures of the past.

Statement of Arturo Vargas and Jim Lyons
on
the Report of the Stanford Working Group

We strongly support most of the recommendations in the Report of the Stanford Working Group. Their implementation would dramatically improve the quality of schooling available to America's growing language-minority student population, and, indeed, the quality of education afforded to all the nation's children.

We are, however, concerned with the report's disproportionate emphasis on and reliance upon State Education Agencies (SEAs) to bring about the recommended changes in schooling for LEP students. Effective reform must fully involve LEAs and community based organizations as well as SEAs. We agree that SEAs should be held responsible for ensuring that LEP students enjoy equal and effective education opportunities, and that federal education programs should be designed to facilitate SEA accomplishment of this responsibility.

The sad reality is, however, that many SEAs lack either the institutional capacity or the legal and political commitment to fulfill their responsibility to LEP students. Some SEAs, quite simply, lack both the required capacity and commitment.

To deal with this reality, we would structure some of the report's recommendations concerning SEAs differently. First, we believe that the Chapter 1 program should be the target as well as a source of resources for SEA capacity-building respecting LEP students. The report's exclusive reliance on Title VII resources for SEA capacity-building should be supplemented by a small set-aside of Chapter 1 funds which would be retained at the SEA for capacity-building and systemic reform efforts on behalf of Chapter 1-eligible LEP students. Second, we believe that permitting SEAs to compete for Title VII Part A applicable to agency-wide systemic reform programs would be far more effective in stimulating SEA capacity than the recommended across-the-board doubling of the maximum SEA grants under Part B of Title VII. Competition for grants has served to increase the impact of the limited resources available under Title VII. The principle that Title VII assistance should be competitively awarded should not be weakened.

Errata

P. 37 II.9, 6th line: after "In school districts with LEP enrollment of at least 5 percent,", the following should be inserted: "(or 100 students, whichever is less)".

P. 49 2nd paragraph, 3rd-4th lines (description of "Whole school grants"): "Significant proportions of LEP students in a district must be served" should read: "Significant proportions of LEP students in a school must be served".